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SENATE FILE 399

BY COMMITTEE ON NATURAL RESOURCES
Approved 3/10 (p. 747)
(FORMERLY SSB 227)

Passed Senate, Date 4-13-81 (p. 1235) Passed House, Date 2/5/82 (P. 260)
Vote: Ayes 28 Nays 21 Vote: Ayes 83 Nays 9
Approved March 11 (P. 717)

A BILL FOR

1 An Act relating to revision of laws governing recreational
2 boating in Iowa, including penalties and scheduled fines
3 for violations of boating laws.

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

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1 Section 1. Section 88A.11, Code 1981, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. Vessels inspected by officers appointed
4 by the conservation commission under chapter 106.

5 Sec. 2. Section 106.2, subsection 4, Code 1981, is amended
6 to read as follows:

7 4. "Waters of this state under the jurisdiction of the
8 state conservation commission" means any navigable waters
9 within the territorial limits of this state, and the marginal
10 river areas adjacent to this state, exempting only farm ponds,
11 ~~and privately owned lakes and waters specifically delegated~~
12 ~~to local authorities.~~

13 Sec. 3. Section 106.2, Code 1981, is amended by adding
14 the following new subsections:

15 NEW SUBSECTION. 20. "Boat livery" means a person who
16 holds a vessel for hire, renting, leasing, or chartering
17 including hotels, motels, or resorts which furnish a vessel
18 to guests as part of the services of the business.

19 NEW SUBSECTION. 21. "Vessel for hire or commercial vessel"
20 means a vessel for the use of which a fee of any nature is
21 imposed including vessels furnished as a part of lodge, hotel,
22 or resort services.

23 NEW SUBSECTION. 22. "Passenger" means a person carried
24 on board a vessel, including the operator, and anyone towed
25 by a vessel on water skis, surfboards, inner tubes, or similar
26 devices.

27 NEW SUBSECTION. 23. "Operator" means a person who operates
28 or is in actual physical control of a vessel.

29 NEW SUBSECTION. 24. "Inflatable vessel" means a vessel
30 which achieves and maintains its intended shape and buoyancy
31 by inflation.

32 NEW SUBSECTION. 25. "Inboard" means a vessel in which
33 the engine is located internally, the propulsion system is
34 rigidly attached to the engine, and the propulsion mechanism
35 is within the confines of the vessel's extreme length and

1 beam.

2 NEW SUBSECTION. 26. "Inboard-outdrive" means a vessel
3 in which the power plant or engine is located inside of the
4 vessel and the propulsion mechanism is located outside of
5 the transom.

6 Sec. 4. Section 106.3, unnumbered paragraph 2, Code 1981,
7 is amended to read as follows:

8 The state conservation commission ~~is hereby authorized~~
9 ~~to~~ may adopt, ~~promulgate~~ and enforce ~~such rules and regulations~~
10 under chapter 17A as may be necessary to carry out the
11 provisions of this chapter and to protect private and public
12 property and the health, safety, and welfare of the public.
13 In adopting rules, the commission shall give consideration
14 to the various uses to which they may be put by and for public
15 and private purposes, the preservation of each body of water,
16 its bed, waters, ice, banks, and public and private property
17 attached thereto, and the need for uniformity of rules relating
18 to the use, operation, and equipment of vessels and vehicles.

19 Sec. 5. Section 106.4, Code 1981, is amended to read as
20 follows:

21 106.4 OPERATION OF UNNUMBERED VESSELS PROHIBITED. Every
22 ~~undocumented~~ vessel except as provided in section 106.6 on
23 the waters of this state under the jurisdiction of the state
24 conservation commission ~~and waters specifically delegated~~
25 ~~to local authorities~~ shall be numbered. No A person shall
26 not operate, maintain or give permission for the operation
27 or maintenance of any ~~such~~ vessel on such waters unless the
28 vessel is numbered in accordance with this chapter or in
29 accordance with applicable federal laws or in accordance with
30 a federally approved numbering system of another state and
31 unless the certificate of number awarded to ~~such~~ the vessel
32 is in full force and effect ~~and the identifying number set~~
33 ~~forth in the certificate of number is displayed on each side~~
34 ~~of the bow of such vessel.~~

35 Sec. 6. Section 106.5, subsection 1, unnumbered paragraph

1 2, Code 1981, is amended to read as follows:

2 The owner of ~~such~~ the vessel shall file an application
3 for registration with the appropriate county recorder on forms
4 provided by the commission. The application shall be completed
5 and signed by the owner of the vessel and shall be accompanied
6 by a fee of eight dollars for each motorboat or sailboat,
7 four dollars for any other vessel without sail or motor, and
8 a writing fee ~~of one dollar~~. Upon applying for registration
9 the owner shall surrender the certificate of origin to the
10 county recorder. Upon receipt of the application in approved
11 form accompanied by the required fees, the county recorder
12 shall enter ~~the same~~ it upon the records of the recorder's
13 office and shall issue to the applicant a pocket-size
14 registration certificate. The certificate shall be executed
15 in triplicate, one copy to be delivered to the owner, one
16 copy to the commission, and one copy to be retained on file
17 by the county recorder. The registration certificate shall
18 bear the number awarded to the vessel, the passenger capacity
19 of the vessel and the name and address of the owner. In the
20 use of all vessels except nonpowered sailboats, nonpowered
21 canoes and commercial vessels the registration certificate
22 shall be carried either in the vessel or on the person of
23 the operator of the vessel when in use. In the use of
24 nonpowered sailboats, nonpowered canoes or commercial vessels,
25 the registration certificate may be kept on shore in accordance
26 with rules promulgated by the commission. The operator shall
27 exhibit the certificate to any peace officer upon request,
28 or, when involved in a collision or accident of any nature
29 with another vessel or other personal property, to the owner
30 or operator of the other vessel or personal property.

31 Sec. 7. Section 106.5, subsection 3, Code 1981, is amended
32 to read as follows:

33 3. Every registration certificate and number issued
34 ~~hereunder~~ shall become delinquent at midnight April 30, 1975,
35 and every two years thereafter unless sooner terminated or

1 discontinued in accordance with ~~the provisions of~~ this chapter.
2 After the first day of January in odd-numbered years any
3 unregistered vessels and renewals of registrations may be
4 so registered for the subsequent biennium beginning May 1.
5 After the first day of January in even-numbered years any
6 unregistered motorboat or sailboat may be registered at the
7 rate of four dollars and any other unregistered vessel without
8 sail or motor may be registered at the rate of two dollars
9 for the remainder of the current biennium, plus a writing
10 fee ~~of fifty cents~~ for each registration. ~~All registrations~~
11 ~~shall become delinquent as hereinabove stated.~~ Registration
12 certificates and numbers may be renewed upon application of
13 the owner in the same manner as provided for in securing the
14 original registration.

15 If a timely application for renewal is made, the applicant
16 shall receive the same registration number allocated to ~~him~~
17 the applicant for the previous registration period. If the
18 application for registration for the biennium is not made
19 before May 1 of each odd-numbered year, the applicant shall
20 be charged a penalty of ~~one dollar~~ two dollars for each six
21 months, or any portion thereof, ~~he~~ the applicant is delinquent.
22 ~~Provided, however,~~ that if ~~the~~ a registration is not renewed
23 for two consecutive registration periods, the number of ~~said~~
24 the delinquent registration may be assigned to another
25 ~~applicant~~ person, and upon application for registration by
26 ~~said~~ the delinquent registrant, ~~he~~ or she shall be assigned
27 a new registration number and shall not be charged any
28 penalties.

29 Sec. 8. Section 106.5, subsection 4, Code 1981, is amended
30 to read as follows:

31 ~~Whenever any~~ If a person, after registering a vessel,
32 moves from the address shown on the registration certificate,
33 ~~he~~ the person shall, within ten days, notify the county
34 recorder in writing of ~~his~~ the old and new address. If
35 appropriate, the county recorder shall forward all past records

1 of ~~such~~ the vessel to the recorder of the county in which
2 the owner resides.

3 ~~Whenever~~ If the name of any a person, who has registered
4 a vessel, is ~~thereafter~~ changed, ~~he~~ the person shall, within
5 ten days, notify the county recorder of ~~such~~ the former and
6 new name.

7 No fee shall be paid to the county recorder for making
8 the ~~aforementioned~~ changes mentioned in this subsection,
9 unless the owner requests a new registration certificate
10 showing the change, in which case a fee of one dollar plus
11 a ~~twenty-five-cent~~ writing fee shall be paid to the recorder.

12 If a registration certificate is lost, mutilated or becomes
13 illegible, the owner shall immediately make application for
14 and obtain a duplicate registration certificate by furnishing
15 information satisfactory to the county recorder.

16 A fee of one dollar plus a ~~twenty-five-cent~~ writing fee
17 shall be paid to the county recorder for a duplicate
18 registration certificate.

19 If a vessel, registered under ~~the-provisions-of~~ this
20 chapter, is destroyed or abandoned, ~~such~~ the destruction or
21 abandonment shall be reported to the county recorder and the
22 registration certificate shall be forwarded to the office
23 of the county recorder within ten days after ~~such~~ the
24 destruction or abandonment.

25 Sec. 9. Section 106.5, subsections 6 and 7, Code 1981,
26 are amended to read as follows:

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

1 of the identification numbers as required on undocumented
2 vessels. The fee for such registration shall ~~be~~ is twenty-
3 five dollars plus ~~the usual~~ a writing fee.

4 7. If the owner of a currently registered vessel places
5 ~~such~~ the vessel in storage, he the owner shall return the
6 registration certificate to the county recorder with an
7 affidavit stating that the vessel is placed in storage and
8 the effective date of ~~such~~ the storage. The county recorder
9 shall notify the commission of each registered vessel placed
10 in storage. When the owner of a stored vessel desires to
11 renew the vessel's registration, he the owner shall make
12 ~~application~~ apply to the county recorder and pay the
13 registration fees plus a writing fee as provided in subsections
14 1 and 3 without penalty. No refund of registration fees shall
15 be allowed for a stored vessel.

16 Sec. 10. Section 106.7, subsection 4, Code 1981, is amended
17 to read as follows:

18 4. All reports shall be in writing, and the written report
19 shall be without prejudice to the individual so reporting
20 and shall be for the confidential use of the commission.
21 ~~Provided-however~~ However, upon the request of ~~any person~~
22 ~~involved-in-an-occurrence-covered-under-the-provisions-of~~
23 ~~this-section,-or-the-attorney-for-such-person,~~ the commission
24 shall disclose the ~~identity~~ identities of the ~~person~~ persons
25 on board the vessels involved in the occurrence and ~~his address~~
26 their addresses. A written report filed with the commission
27 shall not be admissible in or used in evidence in any civil
28 or criminal action arising out of the facts on which the
29 report is based.

30 Sec. 11. Section 106.9, subsection 2, unnumbered paragraph
31 1, Code 1981, is amended to read as follows:

32 Every vessel, in all weathers, from sunset to sunrise,
33 shall carry and exhibit the following lights when underway,
34 and during ~~such~~ that time shall exhibit no other lights which
35 may be mistaken for those required except that the

1 international lighting system as approved by the United States
2 coast guard will be accepted for use on motorboats on the
3 waters of this state.

4 Sec. 12. Section 106.9, subsection 2, paragraph d, Code
5 1981, is amended by striking the paragraph.

6 Sec. 13. Section 106.9, subsection 6, Code 1981, is amended
7 to read as follows:

8 6. Every vessel shall carry at least one life preserver,
9 life belt, ring buoy or other device, of the sort prescribed
10 by the ~~regulations~~ rules of the commission, for each ~~person~~
11 ~~on-board~~ passenger, so placed as to be readily accessible.

12 Sec. 14. Section 106.11, Code 1981, is amended to read
13 as follows:

14 106.11 MUFFLING DEVICES. The exhaust of every internal
15 combustion engine used on any motorboat shall be effectively
16 muffled by equipment so constructed and used as to muffle
17 the total vessel noise of-the-exhaust in a reasonable manner
18 in accordance with rules adopted by the commission. The use
19 of cut-outs is prohibited, except for motorboats competing
20 in a regatta or boat race approved as provided in section
21 106.16 and for such motorboats while on trial run during a
22 period from 8:00 a.m. to 6:00 p.m. not to exceed forty-eight
23 twenty-four hours immediately preceding such regatta or race
24 ~~and-for-such-motorboats-while-competing-in-official-trials~~
25 ~~for-speed-records-during-a-period-not-to-exceed-forty-eight~~
26 ~~hours-immediately-following-such-regatta-or-race.~~

27 Sec. 15. Section 106.12, Code 1981, is amended by adding
28 the following new subsections:

29 NEW SUBSECTION. 7. A person shall not operate watercraft
30 in a manner which unreasonably or unnecessarily interferes
31 with other watercraft or with the free and proper navigation
32 of the waters of the state. Anchoring under bridges, in a
33 heavily-traveled channel, in a lock chamber, or near the
34 entrance of a lock constitutes such interference if
35 unreasonable under the prevailing circumstances.

1 NEW SUBSECTION. 8. A person shall not operate a vessel
2 in violation of restrictions as given by state-approved buoys
3 or signs marking an area.

4 NEW SUBSECTION. 9. A person shall not operate on the
5 waters of this state under the jurisdiction of the commission
6 a vessel equipped with an engine of greater horsepower rating
7 than is designated for the vessel by the federally-required
8 capacity plate or by the manufacturer's plate on those vessels
9 not covered by federal regulations.

10 NEW SUBSECTION. 10. Passengers shall wear coast guard
11 approved personal flotation devices of the sort prescribed
12 by the rules of the conservation commission when operating
13 or riding in or on vessels which have been designated as one-
14 passenger capacity vessels or other specially designed vessels
15 which have been granted an exemption from federal manufacturing
16 or equipment carriage requirements such as capacity, level
17 flotation, or other federal safety-related requirements as
18 designated by rules of the commission.

19 NEW SUBSECTION. 11. A person shall not leave an unattended
20 vessel tied or moored to a dock which is placed immediately
21 adjacent to a public boat launching ramp or to a dock which
22 is posted for loading and unloading.

23 Sec. 16. Section 106.13, unnumbered paragraph 1, Code
24 1981, is amended to read as follows:

25 Any person violating any of the provisions of this chapter,
26 or any of the rules adopted under this chapter, for which
27 another penalty is not otherwise specifically provided, shall
28 ~~be~~ is guilty of a simple misdemeanor.

29 Sec. 17. Section 106.15, subsection 2, Code 1981, is
30 amended by striking the subsection.

31 Sec. 18. Section 106.17, subsection 1, Code 1981, is
32 amended to read as follows:

33 1. ~~The provisions of this~~ This chapter and other applicable
34 laws of this state shall govern the operation, equipment,
35 numbering and all other matters relating thereto of any vessel

1 whenever ~~such~~ the vessel is operated or maintained on the
2 waters of this state under the jurisdiction of the commission,
3 but ~~nothing in this chapter shall be construed to~~ does not
4 prevent the adoption of any ordinance or local law relating
5 to the operation ~~of~~ or equipment of vessels. Such ordinances
6 or local law ~~shall be~~ are operative only so long as they are
7 not inconsistent with ~~the provisions of~~ this chapter or the
8 rules ~~and regulations~~ adopted by the commission.

9 Sec. 19. Section 106.17, subsection 3, Code 1981, is
10 amended to read as follows:

11 3. The commission ~~is hereby authorized,~~ upon application
12 of local authorities ~~to,~~ may make special rules and
13 ~~regulations,~~ in conformity with this chapter, concerning the
14 operation of vessels on any waters of this state under the
15 jurisdiction of the commission within the territorial limits
16 of any subdivision of this state. Special rules shall only
17 be adopted upon a finding by the commission that the rules
18 are necessary to carry out the policies and purposes of this
19 chapter due to special conditions with regard to a particular
20 body of water and that the special rules provide greater
21 protection to the public health, safety, and welfare than
22 the rules of general application.

23 Sec. 20. Section 106.26, Code 1981, is amended to read
24 as follows:

25 106.26 RIGHT OF WAY RULES--SPEED AND DISTANCE RULES--
26 ZONING WATER AREAS.

27 1. Vessel traffic shall be governed by the following
28 rules:

29 1 a. Passing from rear--keep to the operator's left.

30 2 b. Passing head on--keep to the operator's right.

31 3 c. Passing at right angles--vessel at the right has
32 the right of way.

33 4 d. Manually propelled vessels have the right of way
34 over all other vessels.

35 5 e. Sailboats have the right of way over all motor driven

1 vessels. Motorboats, when meeting or overtaking sailboats,
2 shall always pass on the leeward side.

3 6 f. Any vessel backing from a landing has the right of
4 way over incoming vessels.

5 7 g. The When necessary to protect the public health,
6 safety, and welfare due to the physical nature and
7 characteristics of any waters under the jurisdiction of the
8 commission, the commission is authorized to may promulgate
9 further rules and regulations governing vessel traffic on
10 such waters.

11 2. The commission may adopt rules governing all activities
12 on waters and ice of this state under the jurisdiction of
13 the commission, including impoundments constructed by or in
14 cooperation with the federal government, when necessary and
15 desirable to permit appropriate utilization of specific water
16 areas, consistent with section 106.3. The rules may include
17 rules relating to the following:

18 a. Zoning as to area, activity, vessel, or vehicle, speed,
19 and time of day during which specified activities are
20 permitted.

21 b. Horsepower, size, and types of vessels and vehicles
22 which may be operated.

23 c. Safety precautions and practices required.

24 8 3. Except as provided in special rules promulgated under
25 ~~the authority of~~ this chapter, the following speed and distance
26 regulations shall apply:

27 a. On all waters under the jurisdiction of the state
28 conservation commission:

29 (1) ~~No~~ A motorboat shall not be operated at speeds greater
30 than five miles per hour when within ~~two~~ one hundred ~~fifty~~
31 feet of another craft traveling at five miles per hour or
32 ~~less or any sailboat at any time.~~

33 (2) Motorboats shall maintain a minimum passing or meeting
34 distance of fifty feet when both boats are traveling at speeds
35 greater than five miles per hour.

1 (3) A motorboat shall not be operated at a speed exceeding
2 ten miles per hour unless vision is unobstructed at least
3 two hundred feet ahead.

4 b. On all inland lakes and federal impoundments under
5 the jurisdiction of the state conservation commission,

6 ~~(1)--No motorboat shall be operated at a speed exceeding~~
7 ~~five miles per hour unless vision is unobstructed at three~~
8 ~~hundred feet ahead.~~

9 ~~(2)--No~~ a motorboat shall not be operated within three
10 hundred feet of shore at a speed greater than ten miles per
11 hour.

12 Sec. 21. Section 106.27, Code 1981, is amended to read
13 as follows:

14 106.27 REMOVAL OF NONPERMANENT STRUCTURES. Every vessel
15 ~~or~~ structure, not considered a permanent structure by the
16 commission or excepted by the regulations rules of the
17 commission, shall be removed from the waters, ice, or land
18 of this state under the jurisdiction of the commission on
19 or before ~~December~~ November 15 of each year. Failure to
20 comply with this section shall cause ~~said vessel or the~~
21 structure to be declared a public nuisance and disposition
22 shall be in accordance with sections 110.32 to 110.34.
23 ~~Provided, however, that structures used for seasonal or year-~~
24 ~~round habitation purposes shall not be removed.~~

25 Sec. 22. Section 106.28, Code 1981, is amended to read
26 as follows:

27 106.28 UNWORTHY VESSELS DRYDOCKED. No A person shall
28 not place or allow to remain in the waters of this state under
29 the jurisdiction of the commission, any vessel which has
30 failed to pass inspection. All vessels shall be seaworthy
31 for the waters on which they are being used.

32 Sec. 23. Section 106.29, Code 1981, is amended to read
33 as follows:

34 106.29 OFFICIAL DUTY EXEMPTED. Members Peace officers,
35 members of the commission, its deputies, agents and employees

1 shall ~~are~~ not be deemed violating the provisions of this
 2 chapter while ~~on-emergency-duty-and~~ acting within the scope
 3 of their employment in search and rescue operations, law
 4 enforcement duty, emergency duty, and other resource management
 5 activities as determined by rules of the commission.

6 Sec. 24. Section 106.31, Code 1981, is amended to read
 7 as follows:

8 106.31 ARTIFICIAL LAKES.

9 1. ~~No-motorboats-shall~~ Except as provided in special rules
 10 adopted under this chapter, a motorboat shall not be permitted
 11 on any artificial lake under the jurisdiction of the
 12 conservation commission except the following:

13 a. ~~Beats~~ A motorboat equipped with one outboard battery
 14 operated electric trolling motor of not more than one and
 15 one-half horsepower.

16 b. ~~Beats~~ A motorboat equipped with an outboard ~~motors~~
 17 motor of not more than ~~six~~ ten horsepower on all artificial
 18 lakes of more than one hundred acres in size.

19 ~~2.--No-person-shall-operate-any-sailboat-on-any-artificial~~
 20 ~~lake-under-the-jurisdiction-of-the-commission-except-these~~
 21 ~~lakes-specifically-designated-by-the-commission.--All~~
 22 ~~sailboats,-so-operated,-must-be-of-a-type-and-size-approved~~
 23 ~~by-the-commission-~~

24 3 2. All privately owned ~~boats~~ vessels on artificial lakes
 25 under the jurisdiction of the commission shall be kept at
 26 locations designated by the commission.

27 4 3. All privately owned ~~rowboats~~ vessels, used on or
 28 kept at the artificial lakes under the jurisdiction of the
 29 commission, shall be seaworthy for the waters where they are
 30 kept and used. All such ~~boats~~ vessels shall be removed from
 31 state property whenever ordered by the commission, and, in
 32 any event, shall be removed from such property not later than
 33 ~~December~~ November 15 of each year.

34 5 4. Upon construction of an artificial lake by any a
 35 political subdivision of this state, ~~such~~ the subdivision

1 may, after publication in a newspaper of general circulation
2 in the subdivision, make formal application to the commission
3 for special rules relating to the operation of watercraft
4 on ~~such~~ the lake, and shall set forth therein the reasons
5 which make such special rules necessary or appropriate. The
6 commission ~~shall~~ may promulgate ~~such~~ the special rules as
7 provided in this chapter, concerning the operation of
8 watercraft on a lake constructed and maintained by a
9 subdivision of this state. Such special rules may include
10 the following:

11 a. Zoning by area and time to regulate navigation and
12 other types of activity.

13 b. Regulating the horsepower, size and type of watercraft.

14 ~~6.--The-commission-may-promulgate-special-rules-concerning~~
15 ~~all-activities-on-impoundments-constructed-by-or-in-co-~~
16 ~~operation-with-the-federal-government.--Such-rules-may-include~~
17 ~~the-following-~~

18 ~~a.--Zoning-by-area-and-time-to-regulate-navigation-and~~
19 ~~other-types-of-activity-~~

20 ~~b.--Regulating-the-horsepower,-size-and-type-of-watercraft-~~

21 Sec. 25. Section 106.32, subsection 3, Code 1981, is
22 amended to read as follows:

23 3. It ~~shall-be~~ is unlawful to tamper with, move or attempt
24 to move or, except in an emergency, moor a vessel to any
25 state-owned waterway marker or state-approved buoy or sign.

26 Sec. 26. Section 106.33, Code 1981, is amended to read
27 as follows:

28 106.33 DRIVING OVER ICE. ~~No~~ A craft or vehicle operating
29 on the surface of ice on the ~~inland~~ lakes and streams of this
30 state including boundary streams and lakes and propelled by
31 sail or by machinery in whole or in part, except ~~ice-cutting~~
32 ~~machinery~~, automobiles, motorcycles and trucks licensed under
33 chapter 321 or snowmobiles registered under chapter 321G when
34 ~~such~~ they are used without endangering public safety, shall
35 not be operated without a permit issued, by the commission,

1 for such operation. Any such permit issued may be revoked
2 by the commission if such the craft or vehicle is operated
3 in a careless manner as which endangers others. Except when
4 authorized by a permit for a special event, automobiles,
5 motorcycles, and trucks when used on the ice of waters under
6 the jurisdiction of the commission shall not exceed fifteen
7 miles per hour and shall be operated in a reasonable and
8 prudent manner.

9 Sec. 27. Section 106.53, Code 1981, is amended by striking
10 the section and inserting the following in lieu thereof:

11 106.53 AMOUNT OF WRITING FEES. A writing fee of one
12 dollar for each transaction shall be collected by the county
13 recorder. If two or more functions are transacted for the
14 same vessel at one time, the writing fee is limited to one
15 dollar.

16 Sec. 28. Chapter 106, Code 1981, is amended by adding
17 sections 29 through 36 of this Act.

18 Sec. 29. NEW SECTION. INSPECTION AUTHORITY. An officer
19 of the commission may stop, board, and inspect a vessel being
20 launched, operated, or moored on the waters of this state
21 under the jurisdiction of the state conservation commission
22 to determine whether the vessel is properly registered,
23 numbered, and equipped as provided under this chapter and
24 rules of the commission. The inspection shall not include
25 an inspection of an area that is not essential to determine
26 compliance with the provisions of this chapter and rules of
27 the commission.

28 Sec. 30. NEW SECTION. INSPECTION DEFICIENCY ORDER. If
29 after performing an inspection the officer determines that
30 the vessel is not properly registered, numbered, or equipped,
31 the officer may issue an inspection deficiency order or
32 citation to the operator of the vessel. The inspection
33 deficiency order may indicate any deficiencies found to exist
34 during the inspection and shall direct the owner or operator
35 of the vessel to properly register or number the vessel or

1 have equipment repairs or replacements made and return a copy
2 of the inspection deficiency order with proof of compliance
3 with the registration, numbering, or equipment requirements
4 to the commission within fourteen days. If such proof is
5 not provided within fourteen days, the owner or operator is
6 in violation of this chapter.

7 Sec. 31. NEW SECTION. TERMINATION OF USE. A vessel for
8 which an inspection deficiency order has been issued shall
9 cease to be used as soon as possible and shall not be launched
10 upon the waters of this state under the jurisdiction of the
11 state conservation commission until the vessel is in compli-
12 ance with the registration, numbering, or equipment requirement
13 for which the order was issued.

14 Sec. 32. NEW SECTION. PUBLIC USE OF WATER FOR NAVIGATION
15 PURPOSES. Water occurring in any river, stream, or creek
16 having definite banks and bed with visible evidence of the
17 flow of water is flowing surface water and is declared to
18 be public waters and the public wealth of the people of the
19 state of Iowa and subject to use by the public for naviga-
20 tion purposes in accordance with law. Land underlying flow-
21 ing surface water is held subject to a trust for the public
22 use of the water flowing over it. Such use is subject to
23 the same rights, duties, limitations, and regulations as
24 presently apply to meandered streams, or other streams deemed
25 navigable for commercial purposes and to any reasonable use
26 by the owner of the land lying under and next to the flowing
27 surface water.

28 Sec. 33. NEW SECTION. HULL IDENTIFICATION, CAPACITY
29 PLATES, WARNING LABELS.

30 1. ALTERING OR CHANGING NUMBERS ON PLATES.

31 a. A person shall not with fraudulent intent, deface,
32 destroy, or alter the hull identification number, capacity
33 plate, or any other plate, warning label, or instrument
34 required by state or federal law on a vessel or component
35 part nor shall a person place or stamp a hull identification

1 number, capacity plate, or any other warning label or instru-
2 ment upon a vessel or component part except one assigned
3 thereto by state or federal law.

4 b. This section does not prohibit the restoration of an
5 original hull identification number, capacity plate, or any
6 other original plate, warning label, or instrument required
7 by state or federal law when the restoration is made by the
8 commission nor prevent a manufacturer from placing in the
9 ordinary course of business numbers, plates, or marks upon
10 vessels or component parts.

11 2. TEST TO DETERMINE TRUE NUMBER OR PLATE. When it appears
12 that a hull identification number, capacity plate, or any
13 other plate, warning label, or instrument required by state
14 or federal law has been altered, defaced, or tampered with,
15 a peace officer or inspector employed by the commission or
16 any other person acting under the direction of a peace officer
17 or inspector, may apply any recognized process or test to
18 the vessel or part containing such number or plate for the
19 purpose of determining the true number or plate content.

20 3. RIGHT OF INSPECTION. Peace officers or examiners
21 employed by the commission may inspect any vessel or component
22 part in possession of any person or found upon the waters
23 of this state under the jurisdiction of the commission or
24 in a public mooring or storage area or enclosure in which
25 vessels or component parts are kept for sale, storage, hire,
26 or repair and for that purpose may board the vessel or enter
27 the public mooring or storage area or enclosure.

28 4. PENALTY. A person who is convicted of a violation
29 of any of the provisions of this section or rules adopted
30 under this section by the commission is guilty of a class
31 D felony.

32 Sec. 34. NEW SECTION. RECIPROCITY. The director, with
33 the consent of the commission, may enter into agreements with
34 the appropriate regulatory agencies of other states as neces-
35 sary or convenient to carry out the purposes of this chapter

1 and not inconsistent with this chapter, and may do all acts
2 contained in the agreements.

3 The agreements may include, but are not restricted to,
4 the following provisions:

5 1. Regulations in regard to registration, numbering, and
6 equipment of vessels.

7 2. Operating requirements for vessels and vessel operators.

8 3. Enforcement activity of officers.

9 Sec. 35. NEW SECTION. COURSE OF INSTRUCTION. The com-
10 mission shall provide by rule for the establishment of a
11 course of instruction to be conducted throughout the state
12 for the safe use and operation of motorboats. The curriculum
13 shall include instruction in the safe use, operation, and
14 equipping of motorboats consistent with this chapter and rules
15 adopted by the commission and other matters the commission
16 deems pertinent for a qualified motorboat operator.

17 1. The commission may certify an experienced, qualified
18 motorboat operator to be an instructor of a class established
19 under subsection 1. Each instructor shall be at least eighteen
20 years of age.

21 2. Upon completion of the course of instruction, the com-
22 mission shall provide for the administration of a written
23 test to a student who wishes to qualify for a safety
24 certificate.

25 3. The commission shall provide safety material relating
26 to the operation of motorboats for the use of private or
27 public elementary and secondary schools in this state.

28 Sec. 36. NEW SECTION. Effective July 1, 1982, a person
29 born after July 1, 1965, shall not operate a motorboat
30 propelled by a motor of over six horsepower on waters of this
31 state under the jurisdiction of the conservation commission
32 without having in possession a valid safety certificate issued
33 by the commission.

34 1. Upon application and payment of a fee of three dollars,
35 a qualified applicant shall be issued a safety certificate

1 which is valid until the certificate is suspended or revoked
2 under rules established by the commission for a violation
3 of a provision of this chapter or the rules of the commission.
4 The application shall be made on forms issued by the commission
5 and shall contain information the commission reasonably
6 requires.

7 2. A person who is required to have a safety certificate
8 under this chapter and who has completed a course of
9 instruction established under section 35 of this Act, including
10 the successful passage of an examination which includes a
11 written test relating to the course of instruction, is
12 qualified to apply for a safety certificate. The commission
13 may waive the requirement of completing the course of
14 instruction if the person successfully passes a written test
15 based on the course of instruction.

16 3. The permit fees collected under this section shall
17 be credited to the state conservation fund and shall be used
18 for motorboat safety and education programs.

19 4. A valid motorboat safety certificate or license issued
20 to a nonresident by a governmental authority of another state
21 is considered a valid certificate or license in this state
22 if the permit or license requirements of the governmental
23 authority, excluding fees, are substantially the same as the
24 requirements of this chapter as determined by the commission.

25 Sec. 37. Section 805.8, subsection 3, paragraphs a, b
26 and c, Code 1981, are amended by striking the paragraphs and
27 inserting in lieu thereof the following:

28 a. For violations of registration, inspections, identifi-
29 cation, and record provisions under sections 106.5, 106.35,
30 106.37, and for unused or improper or defective lights and
31 warning devices under section 106.9, subsections 3, 4, 5,
32 9, and 10, the scheduled fine is ten dollars.

33 b. For violations of registration, identification, and
34 record provisions under sections 106.4 and 106.10 and for
35 unused or improper or defective equipment under section 106.9,

1 subsections 2, 6, 7, 8, and 13, and section 106.11 and for
2 operation violations under sections 106.26, 106.31 and 106.33,
3 the scheduled fine is twenty dollars.

4 c. For operating violations under sections 106.12, 106.15,
5 subsection 1, 106.24, and 106.34, the scheduled fine is twenty-
6 five dollars. However, a violation of section 106.12, subsec-
7 tion 2, is not a scheduled violation.

8 Sec. 38. Section 805.8, subsection 3, paragraphs d, e
9 and f, Code 1981, are amended by striking the paragraphs.

10 Sec. 39. Section 805.8, subsection 3, paragraph g, Code
11 1981, is amended to read as follows:

12 g. For violations of all subdivision ordinances under
13 section 106.17, subsection 2, except those relating to matters
14 subject to regulation by authority of subsection 5 of section
15 106.31, the scheduled fine is ~~ten dollars, whether or not~~
16 ~~a different scheduled fine is prescribed elsewhere in this~~
17 ~~subsection~~ the same as prescribed for similar violations of
18 state law. For violations of subdivision ordinances for which
19 there is no comparable state law the scheduled fine is ten
20 dollars.

21 EXPLANATION

22 This bill eliminates identical inspection by a second
23 regulatory agency of vessels regulated by the conservation
24 commission under chapter 106. A reference to waters delegated
25 to local authorities is removed, since all waters of the state
26 are under concurrent jurisdiction of the commission and local
27 authorities. Definitions have been added. Public health,
28 safety, and natural resource protection are provided as guide-
29 lines for rules adopted by the commission. Writing fees for
30 all boat registration transactions are raised to one dollar
31 and the penalty for delinquent transactions is raised from
32 one to two dollars for each six months delinquent. Commission
33 officers are permitted to release names of persons involved
34 in boating accidents to news media. Motorboats are now
35 permitted to use the international lighting system.

1 The commission is given authority to adopt rules regu-
2 lating mufflers on vessels and the operation of unmuffled
3 racing vessels is restricted. Provisions are adopted which
4 deal with various dangerous situations involving mooring,
5 operation, and overpowering of vessels. Violation of the
6 rules is a simple misdemeanor unless otherwise specified.
7 Guidelines are presented for adopting rules restricting speeds
8 and other operations of vessels.

9 The date for removal of nonpermanent structures from the
10 water is changed from December 15 to November 15. Vessels
11 are required to be seaworthy for the waters on which they
12 are used. Activities such as search and rescue, emergency
13 duty, and law enforcement are exempted from certain provisions
14 of the law. Horsepower limits for larger artificial lakes
15 are raised from six to ten. All legally placed buoys and
16 markers are given equal status and the distinction between
17 state-owned and state-approved buoys and markers is ended.

18 New sections are added to chapter 106 which allow officers
19 to inspect vessels, allow officers to issue deficiency orders
20 and citations, terminate the use of unsafe vessels until
21 repaired, provide that all flowing waters are available for
22 public use for navigation, prohibit changing a vessel's hull
23 identification number, allow the commission to enter into
24 reciprocal agreements with other states, and establish a
25 mandatory certification program for motorboat operators under
26 16 years of age such as that used for snowmobiles. Certain
27 scheduled fines are increased. This bill will take effect
28 July 1 following its enactment.

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SENATE FILE 399
 FISCAL NOTE

REQUESTED BY SENATOR VAN GILST

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 399 pursuant to Joint Rule 16.

Senate File 399, An Act relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws.

Writing Fees

The clarification of the writing fee to \$1.00 for each transaction, legally, would be a reduction in income for the counties. However, information received shows that many of the counties presently charge the \$1.00 as was the intent of Senate File 2125 of the 68th G.A. and this is a further clarification in this bill. Minimal fiscal impact.

Penalty for Late Registration

During the fiscal year from July, 1979 through June, 1980, the Commission received \$31,383 in penalties for delinquent boat registration. Assuming the approximate same number of persons would be late in registering their vessels, this figure would be doubled, or \$62,766. Since it is currently "cheaper" to pay the penalty than the registration in some cases we feel this increase in penalty may reduce the number of delinquent registrations.

Scheduled Fine Increases

Note: This money goes to the school district in the county where collected as do other fines. The following figures were obtained by using the number of violations of each type which were prosecuted during 1980. To apply the figures in a projection you must assume that the same number of each violation will take place each year.

Violation	No. In 1980	Current Fine	Current Revenue	Fine S.F. 399	Revenue S.F. 399	Incr. (Decr.)
Failure to register	107	\$ 5.00	\$ 535.00	\$20.00	\$2,140.00	\$1,605.00
Improper or expired reg.	53	5.00	265.00	10.00	530.00	265.00
Allow to operate improperly equipped vessel	0	10.00	--	20.00	--	--
Improper lights	122	10.00	1,220.00	20.00	2,440.00	1,220.00
Failure to keep records	0	5.00	--	20.00	--	--
Muffling devices	0	10.00	--	20.00	--	--
Prohibited Operation	157	20.00	3,140.00	25.00	3,925.00	785.00
No dealer License	0	5.00	--	10.00	--	--
No dealer number	0	5.00	--	10.00	--	--
Increased Revenue			\$5,160.00		\$9,035.00	3,875.00

SOURCE: CONSERVATION COMMISSION

RECEIVED BY THE SECRETARY OF THE SENATE, APRIL 9, 1981

FILED

APRIL 13, 1981

BY GERRY D. RANKIN, DIRECTOR
 LEGISLATIVE FISCAL BUREAU

SENATE FILE 399

S-3254

1 Amend Senate File 399 as follows:

2 1. Page 8, by striking line 19 and inserting in
3 lieu thereof the following:

4 "NEW SUBSECTION. 11. A passenger shall wear coast
5 guard approved personal flotation devices of the sort
6 prescribed by the rules of the conservation commission
7 when operating or riding in a vessel, except a vessel
8 operated for hire by a licensed pilot or engineer,
9 between one hour after sunset and one hour before
10 sunrise on waters under the jurisdiction of the
11 commission.

12 NEW SUBSECTION. 12. A person shall not leave
13 an unattended"

14 2. Page 11, by inserting after line 3 the
15 following:

16 "(4) A motorboat shall not be operated at its
17 planing speed or at more than 25 miles per hour,
18 whichever speed is less. As used in this paragraph,
19 "planing speed" means the speed at which a motorboat
20 lifts partly out of the water and skims across the
21 surface of the water on the flat after-sections of
22 its hull."

23 3. Page 18, by inserting after line 24 the
24 following:

25 "Sec. ____ NEW SECTION. IMPLIED CONSENT TO ALCOHOL
26 TEST.

27 1. A person who operates a vessel on waters of
28 this state under the jurisdiction of the commission
29 under circumstances which give reasonable grounds
30 to believe the person has been operating the vessel
31 while under the influence of an alcoholic beverage,
32 shall be deemed to have given consent to the withdrawal
33 from the person's body of a specimen of the person's
34 blood, breath, saliva or urine, and to a chemical
35 test of the specimen to determine the alcoholic content
36 of the person's blood in the manner and under the
37 procedures and requirements provided in chapter 321B
38 for a person arrested for the offense of operating
39 a motor vehicle while under the influence of an
40 alcoholic beverage.

41 2. If a person under arrest for operating a vessel
42 while under the influence of an alcoholic beverage
43 refuses to submit to the chemical testing offered
44 in the manner provided under section 321B.3, none
45 of the tests shall be given, but the state conservation
46 director, upon receipt of a sworn report of the peace
47 officer that the peace officer had reasonable grounds
48 to believe the arrested person was operating a vessel
49 on the waters in this state under the jurisdiction
50 of the commission while under the influence of an

S-3254

Page 2

1 alcoholic beverage, that the peace officer had placed
2 the person under arrest for the offense of operating
3 a vessel while under the influence of an alcoholic
4 beverage and that the person had refused to submit
5 to the chemical testing, shall revoke the person's
6 pilot license or motorboat operator's certificate
7 to operate a vessel and any nonresident operating
8 privilege for a period of not less than one hundred
9 twenty days nor more than one year. If the person
10 is a resident without a license or certificate to
11 operate a vessel in this state, the state conservation
12 director shall deny to the person the issuance of
13 a license or certificate within one year from the
14 date of the alleged violation, subject to hearing
15 and judicial review procedures provided in chapter
16 321B. The effective date of a revocation shall be
17 twenty days after the state conservation director
18 has mailed notice of the revocation to the person
19 by certified mail.

20 3. Sections 321B.10 through 321B.12 apply in any
21 civil or criminal action or proceeding arising out
22 of acts alleged to have been committed by a person
23 operating a vessel in waters of this state under the
24 jurisdiction of the commission while under the
25 influence of an alcoholic beverage.

26 4. A person who operates a vessel in the waters
27 of this state under the jurisdiction of the commission
28 during the time when the person's license or
29 certificate to operate a vessel has been denied or
30 revoked as provided in this section is guilty of a
31 simple misdemeanor. The state conservation director,
32 upon receiving the record of conviction of a person
33 charged with operating a vessel while the license
34 or certificate of the person was revoked, shall extend
35 the period of revocation for an additional period
36 equal to the original period of revocation and a new
37 license or certificate shall not be issued during
38 the additional revocation period.

39 5. After final determination under this section
40 that a nonresident's privilege to operate a vessel
41 in this state has been revoked or denied, the state
42 conservation director shall give written notice of
43 the action taken to the official in charge of water
44 safety or public safety of the state of the person's
45 residence and of any other state in which the person
46 is licensed or certificated."

47 4. By renumbering and correcting internal
48 references as required by this amendment.

49
50

S-3254 FILED
MARCH 25, 1981

BY JOHN S. MURRAY

A.C. - Last
B.S. - w/2' 4/13/81 (p. 1232)

SENATE FILE 399

S-3429

- 1 Amend The Murray amendment S-3254 to Senate
- 2 File 399 as follows:
- 3 1. Page 1, line 18, by inserting after the
- 4 word "less" the words "between one hour after
- 5 sunset and one hour before sunrise".

S-3429 FILED

BY JOHN S. MURRAY

APRIL 8, 1981

Adopted 4/13/81 (p. 1230)

SENATE FILE 399

S-3432

- 1 Amend Senate File 399 as follows:
- 2 1. Page 11, line 19, by striking the words
- 3 "~~December-November~~" and inserting in lieu thereof
- 4 the word "December".

S-3432 FILED

BY BERL E. PRIEBE

APRIL 8, 1981

LUCAS J. DeKOSTER

Adopted 4/13/81 (p. 1233)

SENATE FILE 399

S-3430

- 1 Amend Senate File 399 as follows:
- 2 1. Page 10, by striking lines 29 through 32,
- 3 and inserting in lieu thereof the following:
- 4 " (1) No motorboat shall be operated at speeds
- 5 greater than five miles per hour when within two
- 6 hundred fifty feet of another craft traveling at five
- 7 miles per hour or less or any sailboat at any time."
- 8 2. Page 12, by striking lines 16 through 17,
- 9 and inserting in lieu thereof the following:
- 10 "b. Boats equipped with outboard motors of not
- 11 more than six horsepower on all artificial".

S-3430 FILED

BY JULIA GENTLEMAN

APRIL 8, 1981

Love 4/13/81 (p. 1232)

SENATE FILE 399

S-3441

- 1 Amend Senate File 399 as follows:
- 2 1. Page 19, lines 8 and 9, by striking the words
- 3 ", e and f" and inserting in lieu thereof the words
- 4 "and e".

S-3441 FILED

BY DONALD DOYLE

APRIL 9, 1981

BASS VAN GILST

Adopted 4/13/81 (p. 1236)

SENATE FILE 399

S-3455

1 Amend Senate File 399 as follows:

2 1. Page 14, line 19, by striking the word
3 ", board,".

4 2. Page 14, line 24, by inserting after the
5 word "commission." the words "An officer may board
6 a vessel in the course of an inspection if the operator
7 is unable to supply visual evidence that the vessel is
8 properly registered and equipped as required by this
9 chapter and rules of the commission."

S-3455 FILED

BY BASS VAN GILST

APRIL 10, 1981

ROBERT M. CARR

Adopted 4/13/81 (p. 1233)

SENATE FILE 399

S-3466

1 Amend Senate File 399 as follows:

2 1. Page 17, line 30, by striking the word
3 "six" and inserting in lieu thereof the word
4 "ten".

S-3466 FILED

BY ROBERT M. CARR

APRIL 10, 1981

Adopted 2/13/81 (p. 1233)

SENATE FILE 399

S-3473

Amend Senate File 399 as follows:

- A 2 1. Page 14, lines 31 and 32, by striking the
3 words "or citation".
4 2. By striking page 18, line 25 through page 19,
5 line 20.
B 6 3. Amend the title, lines 2 and 3, by striking
7 the words ", including penalties and scheduled fines
8 for violations of boating laws".

S-3473 FILED

BY ROBERT M. CARR

APRIL 13, 1981

DIVISION A - LOST

DIVISION B - WITHDRAWN (p. 1232)

SENATE FILE 399

S-3475

Amend Senate File 399 as follows:

- 1 1. By striking page 13, line 26, through page
2 14, line 8.
3 2. Page 15, by striking lines 14 through 27.
4

S-3475 FILED & WITHDRAWN

BY BILL HUTCHINS

APRIL 13, 1981 (p. 1238)

SENATE FILE 399

S-3476

Amend Senate File 399 as follows:

- 1 1. Page 10, by striking lines 11 through 23.
2

S-3476 FILED & WITHDRAWN

BY DALE L. TIEDEN

APRIL 13, 1981 (p. 1237)

BERL E. PRIEBE

RAY TAYLOR

EMIL J. HUSAK

EDGAR H. HOLDEN

SENATE FILE 399

S-3477

Amend Senate File 399 as follows:

- 1 1. Page 15, line 18, by striking the words
2 "and the public wealth of the people".
3

S-3477 FILED & ADOPTED

BY BILL HUTCHINS

APRIL 13, 1981 (p. 1237)

SENATE FILE 399

S-3471

- 1 Amend Senate File 399 as follows:
- 2 1. Page 16, line 22, by striking the word "or".
- 3 2. Page 16, line 23, by inserting after the word
- 4 "or" the words ", with the consent of the owner,".

S-3471 FILED & WITHDRAWN
APRIL 13, 1981 (p. 1235)

BY ROBERT M. CARR
JULIA B. GENTLEMAN

SENATE FILE 399

S-3472

- 1 Amend Senate File 399 as follows:
- 2 1. Page 10, by striking lines 5 through 10.

S-3472 FILED & LOST (p. 1232)
APRIL 13, 1981

BY ROBERT M. CARR

SENATE FILE 399

S-3478

- 1 Amend Senate File 399 as follows:
- 2 1. Page 16, line 26, by striking the words
- 3 "for that purpose" and inserting in lieu thereof
- 4 the words "to determine vessel or component part
- 5 identification".

S-3478 FILED & ADOPTED
APRIL 13, 1981 (p. 1238)

BY LUCAS J. DeKOSTER
BASS VAN GILST

1 Section 1. Section 88A.11, Code 1981, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. Vessels inspected by officers appointed
4 by the conservation commission under chapter 106.

5 Sec. 2. Section 106.2, subsection 4, Code 1981, is amended
6 to read as follows:

7 4. "Waters of this state under the jurisdiction of the
8 state conservation commission" means any navigable waters
9 within the territorial limits of this state, and the marginal
10 river areas adjacent to this state, exempting only farm ponds,
11 ~~and privately owned lakes and waters specifically delegated~~
12 ~~to local authorities.~~

13 Sec. 3. Section 106.2, Code 1981, is amended by adding
14 the following new subsections:

15 NEW SUBSECTION. 20. "Boat livery" means a person who
16 holds a vessel for hire, renting, leasing, or chartering
17 including hotels, motels, or resorts which furnish a vessel
18 to guests as part of the services of the business.

19 NEW SUBSECTION. 21. "Vessel for hire or commercial vessel"
20 means a vessel for the use of which a fee of any nature is
21 imposed including vessels furnished as a part of lodge, hotel,
22 or resort services.

23 NEW SUBSECTION. 22. "Passenger" means a person carried
24 on board a vessel, including the operator, and anyone towed
25 by a vessel on water skis, surfboards, inner tubes, or similar
26 devices.

27 NEW SUBSECTION. 23. "Operator" means a person who operates
28 or is in actual physical control of a vessel.

29 NEW SUBSECTION. 24. "Inflatable vessel" means a vessel
30 which achieves and maintains its intended shape and buoyancy
31 by inflation.

32 NEW SUBSECTION. 25. "Inboard" means a vessel in which
33 the engine is located internally, the propulsion system is
34 rigidly attached to the engine, and the propulsion mechanism
35 is within the confines of the vessel's extreme length and

1 beam.

2 NEW SUBSECTION. 26. "Inboard-outdrive" means a vessel
3 in which the power plant or engine is located inside of the
4 vessel and the propulsion mechanism is located outside of
5 the transom.

6 Sec. 4. Section 106.3, unnumbered paragraph 2, Code 1981,
7 is amended to read as follows:

8 The state conservation commission ~~is hereby authorized~~
9 ~~to~~ may adopt, ~~promulgate~~ and enforce such rules and ~~regulations~~
10 under chapter 17A as may be necessary to carry out the
11 provisions of this chapter and to protect private and public
12 property and the health, safety, and welfare of the public.
13 In adopting rules, the commission shall give consideration
14 to the various uses to which they may be put by and for public
15 and private purposes, the preservation of each body of water,
16 its bed, waters, ice, banks, and public and private property
17 attached thereto, and the need for uniformity of rules relating
18 to the use, operation, and equipment of vessels and vehicles.

19 Sec. 5. Section 106.4, Code 1981, is amended to read as
20 follows:

21 106.4 OPERATION OF UNNUMBERED VESSELS PROHIBITED. Every
22 ~~undocumented~~ vessel except as provided in section 106.6 on
23 the waters of this state under the jurisdiction of the state
24 conservation commission ~~and waters specifically delegated~~
25 ~~to local authorities~~ shall be numbered. No A person shall
26 not operate, maintain or give permission for the operation
27 or maintenance of any ~~such~~ vessel on such waters unless the
28 vessel is numbered in accordance with this chapter or in
29 accordance with applicable federal laws or in accordance with
30 a federally approved numbering system of another state and
31 unless the certificate of number awarded to ~~such~~ the vessel
32 is in full force and effect ~~and the identifying number set~~
33 ~~forth in the certificate of number is displayed on each side~~
34 ~~of the bow of such vessel.~~

35 Sec. 6. Section 106.5, subsection 1, unnumbered paragraph

1 2, Code 1981, is amended to read as follows:

2 The owner of ~~each~~ the vessel shall file an application
3 for registration with the appropriate county recorder on forms
4 provided by the commission. The application shall be completed
5 and signed by the owner of the vessel and shall be accompanied
6 by a fee of eight dollars for each motorboat or sailboat,
7 four dollars for any other vessel without sail or motor, and
8 a writing fee ~~of one dollar~~. Upon applying for registration
9 the owner shall surrender the certificate of origin to the
10 county recorder. Upon receipt of the application in approved
11 form accompanied by the required fees, the county recorder
12 shall enter ~~the same~~ it upon the records of the recorder's
13 office and shall issue to the applicant a pocket-size
14 registration certificate. The certificate shall be executed
15 in triplicate, one copy to be delivered to the owner, one
16 copy to the commission, and one copy to be retained on file
17 by the county recorder. The registration certificate shall
18 bear the number awarded to the vessel, the passenger capacity
19 of the vessel and the name and address of the owner. In the
20 use of all vessels except nonpowered sailboats, nonpowered
21 canoes and commercial vessels the registration certificate
22 shall be carried either in the vessel or on the person of
23 the operator of the vessel when in use. In the use of
24 nonpowered sailboats, nonpowered canoes or commercial vessels,
25 the registration certificate may be kept on shore in accordance
26 with rules promulgated by the commission. The operator shall
27 exhibit the certificate to any peace officer upon request,
28 or, when involved in a collision or accident of any nature
29 with another vessel or other personal property, to the owner
30 or operator of the other vessel or personal property.

31 Sec. 7. Section 106.5, subsection 3, Code 1981, is amended
32 to read as follows:

33 3. Every registration certificate and number issued
34 ~~hereunder~~ shall become delinquent at midnight April 30, 1975,
35 and every two years thereafter unless sooner terminated or

1 discontinued in accordance with ~~the provisions of~~ this chapter.
2 After the first day of January in odd-numbered years any
3 unregistered vessels and renewals of registrations may be
4 so registered for the subsequent biennium beginning May 1.
5 After the first day of January in even-numbered years any
6 unregistered motorboat or sailboat may be registered at the
7 rate of four dollars and any other unregistered vessel without
8 sail or motor may be registered at the rate of two dollars
9 for the remainder of the current biennium, plus a writing
10 fee ~~of fifty cents~~ for each registration. ~~All registrations~~
11 ~~shall become delinquent as hereinabove stated.~~ Registration
12 certificates and numbers may be renewed upon application of
13 the owner in the same manner as provided for in securing the
14 original registration.

15 If a timely application for renewal is made, the applicant
16 shall receive the same registration number allocated to ~~him~~
17 the applicant for the previous registration period. If the
18 application for registration for the biennium is not made
19 before May 1 of each odd-numbered year, the applicant shall
20 be charged a penalty of ~~one dollar~~ two dollars for each six
21 months, or any portion thereof, ~~he~~ the applicant is delinquent.
22 ~~Provided, however,~~ that if ~~the~~ a registration is not renewed
23 for two consecutive registration periods, the number of ~~said~~
24 the delinquent registration may be assigned to another
25 ~~applicant~~ person, and upon application for registration by
26 ~~said~~ the delinquent registrant, ~~he~~ or she shall be assigned
27 a new registration number and shall not be charged any
28 penalties.

29 Sec. 8. Section 106.5, subsection 4, Code 1981, is amended
30 to read as follows:

31 4. ~~Whenever any~~ If a person, after registering a vessel,
32 moves from the address shown on the registration certificate,
33 ~~he~~ the person shall, within ten days, notify the county
34 recorder in writing of ~~his~~ the old and new address. If
35 appropriate, the county recorder shall forward all past records

1 of ~~sueh~~ the vessel to the recorder of the county in which
2 the owner resides.

3 ~~Whenever~~ If the name of ~~any~~ a person, who has registered
4 a vessel, is ~~thereafter~~ changed, ~~he~~ the person shall, within
5 ten days, notify the county recorder of ~~sueh~~ the former and
6 new name.

7 No fee shall be paid to the county recorder for making
8 the ~~aforementioned~~ changes mentioned in this subsection,
9 unless the owner requests a new registration certificate
10 showing the change, in which case a fee of one dollar plus
11 a ~~twenty-five-cent~~ writing fee shall be paid to the recorder.

12 If a registration certificate is lost, mutilated or becomes
13 illegible, the owner shall immediately make application for
14 and obtain a duplicate registration certificate by furnishing
15 information satisfactory to the county recorder.

16 A fee of one dollar plus a ~~twenty-five-cent~~ writing fee
17 shall be paid to the county recorder for a duplicate
18 registration certificate.

19 If a vessel, registered under ~~the provisions of~~ this
20 chapter, is destroyed or abandoned, ~~sueh~~ the destruction or
21 abandonment shall be reported to the county recorder and the
22 registration certificate shall be forwarded to the office
23 of the county recorder within ten days after ~~sueh~~ the
24 destruction or abandonment.

25 Sec. 9. Section 106.5, subsections 6 and 7, Code 1981,
26 are amended to read as follows:

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

1 of the identification numbers as required on undocumented
2 vessels. The fee for such registration shall-be is twenty-
3 five dollars plus ~~the-usual~~ a writing fee.

4 7. If the owner of a currently registered vessel places
5 ~~such~~ the vessel in storage, ~~he~~ the owner shall return the
6 registration certificate to the county recorder with an
7 affidavit stating that the vessel is placed in storage and
8 the effective date of ~~such~~ the storage. The county recorder
9 shall notify the commission of each registered vessel placed
10 in storage. When the owner of a stored vessel desires to
11 renew the vessel's registration, ~~he~~ the owner shall ~~make~~
12 ~~application~~ apply to the county recorder and pay the
13 registration fees plus a writing fee as provided in subsections
14 1 and 3 without penalty. No refund of registration fees shall
15 be allowed for a stored vessel.

16 Sec. 10. Section 106.7, subsection 4, Code 1981, is amended
17 to read as follows:

18 4. All reports shall be in writing, and the written report
19 shall be without prejudice to the individual so reporting
20 and shall be for the confidential use of the commission.
21 ~~Provided-however~~ However, upon the request ~~of-any-person~~
22 ~~involved-in-an-occurrence-covered-under-the-provisions-of~~
23 ~~this-section,-or-the-attorney-for-such-person,~~ the commission
24 shall disclose the ~~identity~~ identities of the ~~person~~ persons
25 on board the vessels involved in the occurrence and ~~his-address~~
26 their addresses. A written report filed with the commission
27 shall not be admissible in or used in evidence in any civil
28 or criminal action arising out of the facts on which the
29 report is based.

30 Sec. 11. Section 106.9, subsection 2, unnumbered paragraph
31 1, Code 1981, is amended to read as follows:

32 Every vessel, in all weathers, from sunset to sunrise,
33 shall carry and exhibit the following lights when underway,
34 and during ~~such~~ that time shall exhibit no other lights which
35 may be mistaken for those required except that the

1 international lighting system as approved by the United States
2 coast guard will be accepted for use on motorboats on the
3 waters of this state.

4 Sec. 12. Section 106.9, subsection 2, paragraph d, Code
5 1981, is amended by striking the paragraph.

6 Sec. 13. Section 106.9, subsection 6, Code 1981, is amended
7 to read as follows:

8 6. Every vessel shall carry at least one life preserver,
9 life belt, ring buoy or other device, of the sort prescribed
10 by the ~~regulations~~ rules of the commission, for each ~~person~~
11 ~~on-board~~ passenger, so placed as to be readily accessible.

12 Sec. 14. Section 106.11, Code 1981, is amended to read
13 as follows:

14 106.11 MUFFLING DEVICES. The exhaust of every internal
15 combustion engine used on any motorboat shall be effectively
16 muffled by equipment so constructed and used as to muffle
17 the total vessel noise of-the-exhaust in a reasonable manner
18 in accordance with rules adopted by the commission. The use
19 of cut-outs is prohibited, except for motorboats competing
20 in a regatta or boat race approved as provided in section
21 106.16 and for such motorboats while on trial run during a
22 period from 8:00 a.m. to 6:00 p.m. not to exceed ~~forty-eight~~
23 ~~twenty-four~~ hours immediately preceding such regatta or race
24 ~~and-for-such-motorboats-while-competing-in-official-trials~~
25 ~~for-speed-records-during-a-period-not-to-exceed-forty-eight~~
26 ~~hours-immediately-following-such-regatta-or-race.~~

27 Sec. 15. Section 106.12, Code 1981, is amended by adding
28 the following new subsections:

29 NEW SUBSECTION. 7. A person shall not operate watercraft
30 in a manner which unreasonably or unnecessarily interferes
31 with other watercraft or with the free and proper navigation
32 of the waters of the state. Anchoring under bridges, in a
33 heavily-traveled channel, in a lock chamber, or near the
34 entrance of a lock constitutes such interference if
35 unreasonable under the prevailing circumstances.

1 NEW SUBSECTION. 8. A person shall not operate a vessel
2 in violation of restrictions as given by state-approved buoys
3 or signs marking an area.

4 NEW SUBSECTION. 9. A person shall not operate on the
5 waters of this state under the jurisdiction of the commission
6 a vessel equipped with an engine of greater horsepower rating
7 than is designated for the vessel by the federally-required
8 capacity plate or by the manufacturer's plate on those vessels
9 not covered by federal regulations.

10 NEW SUBSECTION. 10. Passengers shall wear coast guard
11 approved personal flotation devices of the sort prescribed
12 by the rules of the conservation commission when operating
13 or riding in or on vessels which have been designated as one-
14 passenger capacity vessels or other specially designed vessels
15 which have been granted an exemption from federal manufacturing
16 or equipment carriage requirements such as capacity, level
17 flotation, or other federal safety-related requirements as
18 designated by rules of the commission.

19 NEW SUBSECTION. 11. A person shall not leave an unattended
20 vessel tied or moored to a dock which is placed immediately
21 adjacent to a public boat launching ramp or to a dock which
22 is posted for loading and unloading.

23 Sec. 16. Section 106.13, unnumbered paragraph 1, Code
24 1981, is amended to read as follows:

25 Any person violating any of the provisions of this chapter,
26 or any of the rules adopted under this chapter, for which
27 another penalty is not otherwise specifically provided, ~~shall~~
28 be is guilty of a simple misdemeanor.

29 Sec. 17. Section 106.15, subsection 2, Code 1981, is
30 amended by striking the subsection.

31 Sec. 18. Section 106.17, subsection 1, Code 1981, is
32 amended to read as follows:

33 1. ~~The-provisions-of-this~~ This chapter and other applicable
34 laws of this state ~~shall~~ govern the operation, equipment,
35 numbering and all other matters relating thereto of any vessel

1 whenever such the vessel is operated or maintained on the
2 waters of this state under the jurisdiction of the commission,
3 but ~~nothing in this chapter shall be construed to~~ does not
4 prevent the adoption of any ordinance or local law relating
5 to the operation of or equipment of vessels. Such ordinances
6 or local law ~~shall be~~ are operative only so long as they are
7 not inconsistent with ~~the provisions of~~ this chapter or the
8 rules ~~and regulations~~ adopted by the commission.

9 Sec. 19. Section 106.17, subsection 3, Code 1981, is
10 amended to read as follows:

11 3. The commission ~~is hereby authorized,~~ upon application
12 of local authorities ~~to,~~ may make special rules and
13 ~~regulations,~~ in conformity with this chapter, concerning the
14 operation of vessels on any waters of this state under the
15 jurisdiction of the commission within the territorial limits
16 of any subdivision of this state. Special rules shall only
17 be adopted upon a finding by the commission that the rules
18 are necessary to carry out the policies and purposes of this
19 chapter due to special conditions with regard to a particular
20 body of water and that the special rules provide greater
21 protection to the public health, safety, and welfare than
22 the rules of general application.

23 Sec. 20. Section 106.26, Code 1981, is amended to read
24 as follows:

25 106.26 RIGHT OF WAY RULES--SPEED AND DISTANCE RULES--
26 ZONING WATER AREAS.

27 1. Vessel traffic shall be governed by the following
28 rules:

29 1 a. Passing from rear--keep to the operator's left.

30 2 b. Passing head on--keep to the operator's right.

31 3 c. Passing at right angles--vessel at the right has
32 the right of way.

33 4 d. Manually propelled vessels have the right of way
34 over all other vessels.

35 5 e. Sailboats have the right of way over all motor driven

1 vessels. Motorboats, when meeting or overtaking sailboats,
2 shall always pass on the leeward side.

3 6 f. Any vessel backing from a landing has the right of
4 way over incoming vessels.

5 7 g. The When necessary to protect the public health,
6 safety, and welfare due to the physical nature and
7 characteristics of any waters under the jurisdiction of the
8 commission, the commission ~~is-authorized-to~~ may promulgate
9 further rules and ~~regulations~~ governing vessel traffic on
10 such waters.

11 2. The commission may adopt rules governing all activities
12 on waters and ice of this state under the jurisdiction of
13 the commission, including impoundments constructed by or in
14 cooperation with the federal government, when necessary and
15 desirable to permit appropriate utilization of specific water
16 areas, consistent with section 106.3. The rules may include
17 rules relating to the following:

18 a. Zoning as to area, activity, vessel, or vehicle, speed,
19 and time of day during which specified activities are
20 permitted.

21 b. Horsepower, size, and types of vessels and vehicles
22 which may be operated.

23 c. Safety precautions and practices required.

24 8 3. Except as provided in special rules promulgated under
25 ~~the-authority-of~~ this chapter, the following speed and distance
26 regulations shall apply:

27 a. On all waters under the jurisdiction of the state
28 conservation commission:

29 (1) ~~No~~ A motorboat shall not be operated at speeds greater
30 than five miles per hour when within ~~two~~ one hundred ~~fifty~~
31 feet of another craft traveling at five miles per hour or
32 ~~less or-any-sailboat-at-any-time.~~

33 (2) Motorboats shall maintain a minimum passing or meeting
34 distance of fifty feet when both boats are traveling at speeds
35 greater than five miles per hour.

1 (3) A motorboat shall not be operated at a speed exceeding
2 ten miles per hour unless vision is unobstructed at least
3 two hundred feet ahead.

4 b. On all inland lakes and federal impoundments under
5 the jurisdiction of the state conservation commission:

6 ~~(1)--No motorboat shall be operated at a speed exceeding~~
7 ~~five miles per hour unless vision is unobstructed at three~~
8 ~~hundred feet ahead.~~

9 ~~(2)--No~~ a motorboat shall not be operated within three
10 hundred feet of shore at a speed greater than ten miles per
11 hour.

12 Sec. 21. Section 106.27, Code 1981, is amended to read
13 as follows:

14 106.27 REMOVAL OF NONPERMANENT STRUCTURES. Every vessel
15 ~~or~~ structure, not considered a permanent structure by the
16 commission or excepted by the ~~regulations~~ rules of the
17 commission, shall be removed from the waters, ice, or land
18 of this state under the jurisdiction of the commission on
19 or before December 15 of each year. Failure to comply with
20 this section shall cause ~~said vessel or~~ the structure to be
21 declared a public nuisance and disposition shall be in
22 accordance with sections 110.32 to 110.34. ~~Provided, however,~~
23 ~~that structures used for seasonal or year-round habitation~~
24 ~~purposes shall not be removed.~~

25 Sec. 22. Section 106.28, Code 1981, is amended to read
26 as follows:

27 106.28 UNWORTHY VESSELS DRYDOCKED. ~~No~~ A person shall
28 not place or allow to remain in the waters of this state under
29 the jurisdiction of the commission, any vessel which has
30 failed to pass inspection. All vessels shall be seaworthy
31 for the waters on which they are being used.

32 Sec. 23. Section 106.29, Code 1981, is amended to read
33 as follows:

34 106.29 OFFICIAL DUTY EXEMPTED. ~~Members~~ Peace officers,
35 members of the commission, its deputies, agents and employees

1 shall are not be deemed violating the provisions of this
 2 chapter while ~~on-emergency-duty-and~~ acting within the scope
 3 of their employment in search and rescue operations, law
 4 enforcement duty, emergency duty, and other resource management
 5 activities as determined by rules of the commission.

6 Sec. 24. Section 106.31, Code 1981, is amended to read
 7 as follows:

8 106.31 ARTIFICIAL LAKES.

9 1. ~~No-motorboats-shall~~ Except as provided in special rules
 10 adopted under this chapter, a motorboat shall not be permitted
 11 on any artificial lake under the jurisdiction of the
 12 conservation commission except the following:

13 a. Beats A motorboat equipped with one outboard battery
 14 operated electric trolling motor of not more than one and
 15 one-half horsepower.

16 b. Beats A motorboat equipped with an outboard meters
 17 motor of not more than ~~six~~ ten horsepower on all artificial
 18 lakes of more than one hundred acres in size.

19 ~~2.--No-person-shall-operate-any-sailboat-on-any-artificial~~
 20 ~~lake-under-the-jurisdiction-of-the-commission-except-these~~
 21 ~~lakes-specifically-designated-by-the-commission.--All~~
 22 ~~sailboats,--so-operated,--must-be-of-a-type-and-size-approved~~
 23 ~~by-the-commission.~~

24 3 2. All privately owned beats vessels on artificial lakes
 25 under the jurisdiction of the commission shall be kept at
 26 locations designated by the commission.

27 4 3. All privately owned ~~rowboats~~ vessels, used on or
 28 kept at the artificial lakes under the jurisdiction of the
 29 commission, shall be seaworthy for the waters where they are
 30 kept and used. All such beats vessels shall be removed from
 31 state property whenever ordered by the commission, and, in
 32 any event, shall be removed from such property not later than
 33 ~~December~~ November 15 of each year.

34 5 4. Upon construction of an artificial lake by any a
 35 political subdivision of this state, ~~such~~ the subdivision

1 may, after publication in a newspaper of general circulation
2 in the subdivision, make formal application to the commission
3 for special rules relating to the operation of watercraft
4 on such the lake, and shall set forth therein the reasons
5 which make such special rules necessary or appropriate. The
6 commission ~~shall~~ may promulgate such the special rules as
7 provided in this chapter, concerning the operation of
8 watercraft on a lake constructed and maintained by a
9 subdivision of this state. Such special rules may include
10 the following:

11 a. Zoning by area and time to regulate navigation and
12 other types of activity.

13 b. Regulating the horsepower, size and type of watercraft.
14 ~~6.---The-commission-may-promulgate-special-rules-concerning~~
15 ~~all-activities-on-impoundments-constructed-by-or-in-co-~~
16 ~~operation-with-the-federal-government.---Such-rules-may-include~~
17 ~~the-following-~~

18 ~~a.---Zoning-by-area-and-time-to-regulate-navigation-and~~
19 ~~other-types-of-activity-~~

20 ~~b.---Regulating-the-horsepower,-size-and-type-of-watercraft-~~

21 Sec. 25. Section 106.32, subsection 3, Code 1981, is
22 amended to read as follows:

23 3. It ~~shall-be~~ is unlawful to tamper with, move or attempt
24 to move or, except in an emergency, moor a vessel to any
25 state-owned waterway marker or state-approved buoy or sign.

26 Sec. 26. Section 106.33, Code 1981, is amended to read
27 as follows:

28 106.33 DRIVING OVER ICE. ~~No~~ A craft or vehicle operating
29 on the surface of ice on the ~~inland~~ lakes and streams of this
30 state including boundary streams and lakes and propelled by
31 sail or by machinery in whole or in part, except ~~ice-cutting~~
32 ~~machinery,~~ automobiles, motorcycles and trucks licensed under
33 chapter 321 or snowmobiles registered under chapter 321G when
34 such they are used without endangering public safety, shall
35 not be operated without a permit issued, by the commission,

1 for such operation. Any such permit issued may be revoked
2 by the commission if ~~such~~ the craft or vehicle is operated
3 in a careless manner as which endangers others. Except when
4 authorized by a permit for a special event, automobiles,
5 motorcycles, and trucks when used on the ice of waters under
6 the jurisdiction of the commission shall not exceed fifteen
7 miles per hour and shall be operated in a reasonable and
8 prudent manner.

9 Sec. 27. Section 106.53, Code 1981, is amended by striking
10 the section and inserting the following in lieu thereof:

11 106.53 AMOUNT OF WRITING FEES. A writing fee of one
12 dollar for each transaction shall be collected by the county
13 recorder. If two or more functions are transacted for the
14 same vessel at one time, the writing fee is limited to one
15 dollar.

16 Sec. 28. Chapter 106, Code 1981, is amended by adding
17 sections 29 through 36 of this Act.

18 Sec. 29. NEW SECTION. INSPECTION AUTHORITY. An officer
19 of the commission may stop and inspect a vessel being launched,
20 operated, or moored on the waters of this state under the
21 jurisdiction of the state conservation commission to determine
22 whether the vessel is properly registered, numbered, and
23 equipped as provided under this chapter and rules of the
24 commission. An officer may board a vessel in the course of
25 an inspection if the operator is unable to supply visual
26 evidence that the vessel is properly registered and equipped
27 as required by this chapter and rules of the commission.

28 The inspection shall not include an inspection of an area
29 that is not essential to determine compliance with the
30 provisions of this chapter and rules of the commission.

31 Sec. 30. NEW SECTION. INSPECTION DEFICIENCY ORDER. If
32 after performing an inspection the officer determines that
33 the vessel is not properly registered, numbered, or equipped,
34 the officer may issue an inspection deficiency order or
35 citation to the operator of the vessel. The inspection

1 deficiency order may indicate any deficiencies found to exist
2 during the inspection and shall direct the owner or operator
3 of the vessel to properly register or number the vessel or
4 have equipment repairs or replacements made and return a copy
5 of the inspection deficiency order with proof of compliance
6 with the registration, numbering, or equipment requirements
7 to the commission within fourteen days. If such proof is
8 not provided within fourteen days, the owner or operator is
9 in violation of this chapter.

10 Sec. 31. NEW SECTION. TERMINATION OF USE. A vessel for
11 which an inspection deficiency order has been issued shall
12 cease to be used as soon as possible and shall not be launched
13 upon the waters of this state under the jurisdiction of the
14 state conservation commission until the vessel is in compli-
15 ance with the registration, numbering, or equipment requirement
16 for which the order was issued.

17 Sec. 32. NEW SECTION. PUBLIC USE OF WATER FOR NAVIGATION
18 PURPOSES. Water occurring in any river, stream, or creek
19 having definite banks and bed with visible evidence of the
20 flow of water is flowing surface water and is declared to
* 21 be public waters of the state of Iowa and subject to use by
22 the public for navigation purposes in accordance with law.
23 Land underlying flowing surface water is held subject to a
24 trust for the public use of the water flowing over it. Such
25 use is subject to the same rights, duties, limitations, and
26 regulations as presently apply to meandered streams, or other
27 streams deemed navigable for commercial purposes and to any
28 reasonable use by the owner of the land lying under and next
29 to the flowing surface water.

30 Sec. 33. NEW SECTION. HULL IDENTIFICATION, CAPACITY
31 PLATES, WARNING LABELS.

32 1. ALTERING OR CHANGING NUMBERS ON PLATES.

33 a. A person shall not with fraudulent intent, deface,
34 destroy, or alter the hull identification number, capacity
35 plate, or any other plate, warning label, or instrument

1 required by state or federal law on a vessel or component
2 part nor shall a person place or stamp a hull identification
3 number, capacity plate, or any other warning label or instru-
4 ment upon a vessel or component part except one assigned
5 thereto by state or federal law.

6 b. This section does not prohibit the restoration of an
7 original hull identification number, capacity plate, or any
8 other original plate, warning label, or instrument required
9 by state or federal law when the restoration is made by the
10 commission nor prevent a manufacturer from placing in the
11 ordinary course of business numbers, plates, or marks upon
12 vessels or component parts.

13 2. TEST TO DETERMINE TRUE NUMBER OR PLATE. When it appears
14 that a hull identification number, capacity plate, or any
15 other plate, warning label, or instrument required by state
16 or federal law has been altered, defaced, or tampered with,
17 a peace officer or inspector employed by the commission or
18 any other person acting under the direction of a peace officer
19 or inspector, may apply any recognized process or test to
20 the vessel or part containing such number or plate for the
21 purpose of determining the true number or plate content.

22 3. RIGHT OF INSPECTION. Peace officers or examiners
23 employed by the commission may inspect any vessel or component
24 part in possession of any person or found upon the waters
25 of this state under the jurisdiction of the commission or
26 in a public mooring or storage area or enclosure in which
27 vessels or component parts are kept for sale, storage, hire,
28 or repair and to determine vessel or component part
29 identification may board the vessel or enter the public mooring
30 or storage area or enclosure.

31 4. PENALTY. A person who is convicted of a violation
32 of any of the provisions of this section or rules adopted
33 under this section by the commission is guilty of a class
34 D felony.

35 Sec. 34. NEW SECTION. RECIPROCITY. The director, with

1 the consent of the commission, may enter into agreements with
2 the appropriate regulatory agencies of other states as neces-
3 sary or convenient to carry out the purposes of this chapter
4 and not inconsistent with this chapter, and may do all acts
5 contained in the agreements.

6 The agreements may include, but are not restricted to,
7 the following provisions:

8 1. Regulations in regard to registration, numbering, and
9 equipment of vessels.

10 2. Operating requirements for vessels and vessel operators.

11 3. Enforcement activity of officers.

12 Sec. 35. NEW SECTION. COURSE OF INSTRUCTION. The com-
13 mission shall provide by rule for the establishment of a
14 course of instruction to be conducted throughout the state
15 for the safe use and operation of motorboats. The curriculum
16 shall include instruction in the safe use, operation, and
17 equipping of motorboats consistent with this chapter and rules
18 adopted by the commission and other matters the commission
19 deems pertinent for a qualified motorboat operator.

20 1. The commission may certify an experienced, qualified
21 motorboat operator to be an instructor of a class established
22 under subsection 1. Each instructor shall be at least eighteen
23 years of age.

24 2. Upon completion of the course of instruction, the com-
25 mission shall provide for the administration of a written
26 test to a student who wishes to qualify for a safety
27 certificate.

28 3. The commission shall provide safety material relating
29 to the operation of motorboats for the use of private or
30 public elementary and secondary schools in this state.

31 Sec. 36. NEW SECTION. Effective July 1, 1982, a person
32 born after July 1, 1965, shall not operate a motorboat
33 propelled by a motor of over ten horsepower on waters of this
34 state under the jurisdiction of the conservation commission
35 without having in possession a valid safety certificate issued

1 by the commission.

2 1. Upon application and payment of a fee of three dollars,
3 a qualified applicant shall be issued a safety certificate
4 which is valid until the certificate is suspended or revoked
5 under rules established by the commission for a violation
6 of a provision of this chapter or the rules of the commission.
7 The application shall be made on forms issued by the commission
8 and shall contain information the commission reasonably
9 requires.

10 2. A person who is required to have a safety certificate
11 under this chapter and who has completed a course of
12 instruction established under section 35 of this Act, including
13 the successful passage of an examination which includes a
14 written test relating to the course of instruction, is
15 qualified to apply for a safety certificate. The commission
16 may waive the requirement of completing the course of
17 instruction if the person successfully passes a written test
18 based on the course of instruction.

19 3. The permit fees collected under this section shall
20 be credited to the state conservation fund and shall be used
21 for motorboat safety and education programs.

22 4. A valid motorboat safety certificate or license issued
23 to a nonresident by a governmental authority of another state
24 is considered a valid certificate or license in this state
25 if the permit or license requirements of the governmental
26 authority, excluding fees, are substantially the same as the
27 requirements of this chapter as determined by the commission.

28 Sec. 37. Section 805.8, subsection 3, paragraphs a, b
29 and c, Code 1981, are amended by striking the paragraphs and
30 inserting in lieu thereof the following:

31 a. For violations of registration, inspections, identifi-
32 cation, and record provisions under sections 106.5, 106.35,
33 106.37, and for unused or improper or defective lights and
34 warning devices under section 106.9, subsections 3, 4, 5,
35 9, and 10, the scheduled fine is ten dollars.

1 b. For violations of registration, identification, and
2 record provisions under sections 106.4 and 106.10 and for
3 unused or improper or defective equipment under section 106.9,
4 subsections 2, 6, 7, 8, and 13, and section 106.11 and for
5 operation violations under sections 106.26, 106.31 and 106.33,
6 the scheduled fine is twenty dollars.

7 c. For operating violations under sections 106.12, 106.15,
8 subsection 1, 106.24, and 106.34, the scheduled fine is twenty-
9 five dollars. However, a violation of section 106.12, subsec-
10 tion 2, is not a scheduled violation.

11 Sec. 38. Section 805.8, subsection 3, paragraphs d and
12 e, Code 1981, are amended by striking the paragraphs.

13 Sec. 39. Section 805.8, subsection 3, paragraph g, Code
14 1981, is amended to read as follows:

15 g. For violations of all subdivision ordinances under
16 section 106.17, subsection 2, except those relating to matters
17 subject to regulation by authority of subsection 5 of section
18 106.31, the scheduled fine is ~~ten-dollars,-whether-or-not~~
19 ~~a-different-scheduled-fine-is-prescribed-elsewhere-in-this~~
20 subsection the same as prescribed for similar violations of
21 state law. For violations of subdivision ordinances for which
22 there is no comparable state law the scheduled fine is ten
23 dollars.

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HOUSE AMENDMENT TO SENATE FILE 399

S-5078

Amend Senate File 399 as amended, passed and reprinted by the Senate as follows:

3 1. Page 7, line 11, by inserting after the word
4 "accessible." the words "This does not apply to a
5 vessel which is a racing shell used in the sport of
6 sculling."

7 2. Page 7, by inserting after line 26 the
8 following:

9 "Sec. ____ . Section 106.12, subsection 2, Code
10 1981, is amended to read as follows:

11 2. No person shall operate any vessel, or
12 manipulate any water skis, surfboard or similar device
13 while ~~intoxicated~~ under the influence of any an
14 alcoholic beverage, marijuana, a narcotic, hypnotic
15 or other drug, barbiturate-or-marijuana or any
16 combination of these substances. However, this
17 subsection shall not apply to a person operating any
18 vessel or manipulating any water skis, surfboard or
19 similar device while under the influence of marijuana,
20 or a narcotic, hypnotic or other drug if the substances
21 were prescribed for the person and have been taken
22 under the prescription and in accordance with the
23 directions of a medical practitioner as defined in
24 section 155.3, subsection 11, provided there is no
25 evidence of the consumption of alcohol and further
26 provided the medical practitioner has not directed
27 the person to refrain from operating a motor vehicle,
28 any vessel or from manipulating any water skis,
29 surfboard or similar device."

30 3. Page 8, by striking lines 10 through 18.

31 4. Page 8, by inserting after line 28 the
32 following:

33 "Sec. ____ . Section 106.14, unnumbered paragraph
34 1, Code 1981, is amended to read as follows:

35 ~~Whoever, while in an intoxicated condition or under~~
36 ~~influence of narcotic drugs,~~ operates a vessel or
37 manipulates any water skis, surfboard or similar
38 device upon the public waters of this state, while
39 under the influence of an alcoholic beverage,
40 marijuana, a narcotic, hypnotic or other drug, or
41 any combination of these substances, not permitted
42 by section 106.12, subsection 2, shall, upon conviction
43 or a plea of guilty be punished, for the first offense
44 by a fine of not less than three hundred dollars nor
45 more than one thousand dollars, or by imprisonment
46 in the county jail for a period of not to exceed one
47 year, or by both such fine and imprisonment; for the
48 second offense by a fine of not less than five hundred
49 dollars, nor more than one thousand dollars, or by
50 imprisonment for a period of not to exceed one year,

S-5078
Page 2

1 or by both such fine and imprisonment; and for a third
2 offense and each offense thereafter, by imprisonment
3 for a period not to exceed three years."

5084 5. Page 10, by striking lines 1 and 2 and in-
5 serting in lieu thereof the following: "vessels.
6 Motorboats, when meeting or overtaking sailboats,
7 shall always pass on the leeward side."

8 6. Page 12, line 33, by striking the words
9 "December November" and inserting in lieu thereof
10 the word "December".

11 7. Page 14, line 20, by striking the words
12 "operated, or moored" and inserting in lieu thereof
13 the words "being operated, or being moored".

14 8. Page 17, by striking line 12 through page 18,
15 line 27.

16 9. Renumbering to conform to this amendment.

S-5078 FILED
FEBRUARY 9, 1982

RECEIVED FROM THE HOUSE

Senate amended per 5084 & concurred 2/11 (p. 371)

SENATE FILE 399

S-5084

1 Amend the House Amendment S-5078 to Senate File 399
2 as amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 2, by striking lines 4 through 7.

S-5084 FILED
FEBRUARY 10, 1982

BY JULIA B. GENTLEMAN

Adopted 2/11 (p. 371)

SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE FILE 399

H-5130

1 Amend the House amendment S-5078 to Senate File 399
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 2, by striking lines 4 through 7.

H-5130 FILED FEBRUARY 15, 1982

RECEIVED FROM SENATE

House concurred 2/19 (p. 469)

DAILY
HOUSE CLIP SHEET

MONDAY
February 8, 1982
SENATE FILE 399

1-5065

1 Amend amendment H-3931 to Senate File 399 as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 49 the
5 following:
6 "3. Page 14, line 17, by striking the number "36"
7 and inserting in lieu thereof the number "37".
8 4. Page 18, by inserting after line 27 the
9 following:
10 "Sec. 37. NEW SECTION. CHEMICAL TESTING.
11 1. Any person who operates a vessel in this state
12 upon public waters, under such circumstances as to
13 give reasonable grounds to believe the person to have
14 been operating it while under the influence of an
15 alcoholic beverage, shall be deemed to have given
16 consent to the withdrawal from the person's body of
17 specimens of blood, breath, saliva, or urine, and
18 to a chemical test for the purpose of determining
19 the alcoholic content of the blood. The withdrawal
20 of such body substances, and the test, shall be
21 administered at the written request of a peace officer
22 having reasonable grounds to believe the person to
23 have been operating a vessel upon public waters of
24 this state while under the influence of an alcoholic
25 beverage, and only after the peace officer has placed
26 such person under arrest for the offense of operating
27 a vessel while under the influence of an alcoholic
28 beverage. The peace officer shall determine which
29 of the four substances, breath, blood, saliva, or
30 urine, shall be tested. Refusal to submit to a
31 chemical test of urine, saliva or breath shall be
32 deemed a refusal to submit, and the provisions of
33 subsection 2 shall apply. A refusal to submit to
34 a chemical test of blood shall not be deemed a refusal
35 to submit, but in that case, the peace officer shall
36 then determine which one of the other three substances
37 shall be tested, and shall offer such test. If such
38 peace officer fails to provide a test within two hours
39 after such arrest, no test shall be required, and
40 there shall be no revocation under the provisions
41 of subsection 2.
42 2. If a person under arrest refuses to submit
43 to the chemical testing, no test shall be given, but
44 the director, upon the receipt of a sworn report of
45 the peace officer that he or she had reasonable grounds
46 to believe the arrested person to have been operating
47 a vessel upon public waters of this state while under
48 the influence of an alcoholic beverage, that he or
49 she had placed such person under arrest for that
50 offense and that the person had refused to submit

H-5065
Page Two

1 to the chemical testing, shall revoke his or her
2 registration certificate for a period of not less
3 than one hundred twenty days nor more than one year;
4 or if the person is a resident without a registration
5 certificate in this state, the director shall deny
6 to the person the issuance of a registration
7 certificate within one year from the date of the
8 alleged violation, subject to review. The effective
9 date of any such revocation shall be twenty days after
10 the director has mailed notice of such revocation
11 to such person by registered or certified mail.
12 3. The provisions of chapter 321B shall apply
13 to the giving of chemical tests under this section
14 and the admissability of evidence in related
15 proceedings in the same manner for the operation of
16 a vessel on public waters as the operation of a motor
17 vehicle on a public highway while under the influence
18 of alcoholic beverage.""

H-5065 FILED
FEBRUARY 5, 1982
4/5 2/5 (p. 259)

BY SPEAR of Lee
DIEMER of Black Hawk

SENATE FILE 399

H-5046

1 Amend amendment H-3931 to Senate File 399 as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 45, by striking the words "in
5 the penitentiary".
6 2. Page 1, line 48, by striking the words "in
7 the penitentiary".

H-5046 FILED
FEBRUARY 3, 1982
Adopted 2/5 (p. 257)

BY SPEAR of Lee

SENATE FILE 399

H-3953

1 Amend amendment H-3931 to Senate File 399, as
2 amended, passed and reprinted by the Senate, as
3 follows:

4 "1. Page 1, by striking lines 37 through 49 and
5 inserting in lieu thereof the following: "by section
6 106.12, subsection 2, shall, upon conviction or a
7 plea of guilty be punished, commits a serious
8 misdemeanor for the first offense by a fine of not
9 less than three hundred dollars nor more than one
10 thousand dollars, or by imprisonment in the county
11 jail for a period of not to exceed one year, or by
12 both such fine and imprisonment; commits a serious
13 misdemeanor for the second offense by a fine of not
14 less than five hundred dollars, nor more than one
15 thousand dollars, or by imprisonment in the
16 penitentiary for a period of not to exceed one year,
17 or by both such fine and imprisonment; and commits
18 an aggravated misdemeanor for a third offense and
19 each offense thereafter, by imprisonment in the
20 penitentiary for a period not to exceed three years."

H-3953 FILED MAY 1, 1981

BY SPEAR of Lee

Lois 2/5/82 (p. 257)

SENATE FILE 399

H-4050

1 Amend Senate File 399 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 34, by inserting after the word
4 "vessel." the words "However, the commission shall
5 provide for the issuance of a temporary registration
6 for a period not to exceed fourteen days in a calendar
7 year to a vessel principally used in another state,
8 if the vessel may be legally used without registration
9 in that state. A temporary registration shall be
10 issued by officers of the commission in the field."

H-4050 FILED MAY 7, 1981

BY KREWSON of Polk

4/15 2/5 (p. 255)

SENATE FILE 399

H-5033

1 Amend Senate File 399 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 7, line 11, by inserting after the word
4 "accessible." the words "This does not apply to a
5 vessel which is a racing shell used in the sport of
6 sculling."

H-5033 FILED FEBRUARY 2, 1982 BY LIND of Black Hawk

Adopted 2/5 (p. 255)

SENATE FILE 399

H-3931

1 Amend Senate File 399 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 7, by inserting after line 26 the
4 following:

5 "Sec. ____ . Section 106.12, subsection 2, Code
6 1981, is amended to read as follows:

7 2. No person shall operate any vessel, or
8 manipulate any water skis, surfboard or similar device
9 while ~~intoxicated or~~ under the influence of any an
10 alcoholic beverage, marijuana, a narcotic, hypnotic
11 or other drug, ~~barbiturate or marijuana~~ or any
12 combination of these substances. However, this
13 subsection shall not apply to a person operating any
14 vessel or manipulating any water skis, surfboard or
15 similar device while under the influence of marijuana,
16 or a narcotic, hypnotic or other drug if the substances
17 were prescribed for the person and have been taken
18 under the prescription and in accordance with the
19 directions of a medical practitioner as defined in
20 section 155.3, subsection 11, provided there is no
21 evidence of the consumption of alcohol and further
22 provided the medical practitioner has not directed
23 the person to refrain from operating a motor vehicle,
24 any vessel or from manipulating any water skis,
25 surfboard or similar device."

26 2. Page 8, by inserting after line 28 the
27 following:

28 "Sec. ____ . Section 106.14, unnumbered paragraph
29 1, Code 1981, is amended to read as follows:

30 ~~Whoever, while in an intoxicated condition or under~~
31 ~~influence of narcotic drugs,~~ operates a vessel or
32 manipulates any water skis, surfboard or similar
33 device upon the public waters of this state, while
34 under the influence of an alcoholic beverage,
35 marijuana, a narcotic, hypnotic or other drug, or
36 any combination of these substances, not permitted
37 by section 106.12, subsection 2, shall, upon conviction
38 or a plea of guilty be punished, for the first offense
39 by a fine of not less than three hundred dollars nor
40 more than one thousand dollars, or by imprisonment
41 in the county jail for a period of not to exceed one
42 year, or by both such fine and imprisonment; for the
43 second offense by a fine of not less than five hundred
44 dollars, nor more than one thousand dollars, or by
45 imprisonment in the penitentiary for a period of not
46 to exceed one year, or by both such fine and
47 imprisonment; and for a third offense and each offense
48 thereafter, by imprisonment in the penitentiary for
49 a period not to exceed three years."

50 3. By renumbering to conform to this amendment.

SENATE FILE 399

H-3776

- 1 Amend Senate File 399 as amended, passed and
- 2 reprinted by the Senate as follows: A
- 3 1. Page 8, by striking lines 10 through 18.
- 4 2. Page 10, by striking lines 1 and 2 and in- B
- 5 serting in lieu thereof the following: "vessels.
- 6 ~~Moterbeats, when meeting or overtaking sailbeats,~~
- 7 ~~shall always pass on the leeward side."~~
- 8 3. Page 12, line 33, by striking the words C
- 9 "~~December~~ November" and inserting in lieu thereof
- 10 the word "December".
- 11 4. Page 14, line 20, by striking the words D
- 12 "operated, or moored" and inserting in lieu thereof
- 13 the words "being operated, or being moored".
- 14 5. Page 17, by striking line 12 through page 18, E
- 15 line 27.
- 16 6. By renumbering the sections to conform with
- 17 this amendment.

H-3776 FILED APRIL 23, 1981

Adopted 4/27/81 BY SMALLEY of Polk TYRRELL of Iowa
(p. 1436-1437) JAY of Appanoose SULLIVAN of Van Buren
 COOK of Hardin CONNOLLY of Dubuque
 TOFTE of Winneshiek

SENATE FILE 399

H-3829

- 1 Amend Senate File 399, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, by striking lines 3 through 8 and
- 4 inserting in lieu thereof the following: "in a
- 5 careless manner as which endangers others."

H-3829 FILED APRIL 27, 1981 BY AVENSON of Fayette

W/D 2/5/82 (p. 259)

SENATE FILE 399

H-3906

- 1 Amend Senate File 399 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by inserting after line 15 the
- 4 following:
- 5 "Sec. ____ . Section 106.6, Code 1981, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. Temporarily being used upon the
- 8 waters of this state for a period not to exceed thirty
- 9 days within one calendar year if it conforms to the
- 10 laws of and may legally be operated in its state of
- 11 principle use."
- 12 2. By renumbering sections and correcting internal
- 13 references as required by this amendment.

H-3906 FILED APRIL 29, 1981 BY KREWSON of Polk

W/D 2/5/82 (p. 255)

H-3904

1 Amend Senate File 399 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 7, by inserting after line 26 the
4 following:

5 "Sec. ____ Section 106.12, subsection 2, Code
6 1981, is amended to read as follows:

7 2. No person shall operate any vessel, or
8 manipulate any water skis, surfboard or similar device
9 while ~~intoxicated or~~ under the influence of any an
10 alcoholic beverage, marijuana, a narcotic, hypnotic
11 or other drug, barbiturate or marijuana or any
12 combination of these substances. However, this
13 subsection shall not apply to a person operating any
14 vessel or manipulating any water skis, surfboard or
15 similar device while under the influence of marijuana,
16 or a narcotic, hypnotic or other drug if the substances
17 were prescribed for the person and have been taken
18 under the prescription and in accordance with the
19 directions of a medical practitioner as defined in
20 section 155.3, subsection 11, provided there is no
21 evidence of the consumption of alcohol and further
22 provided the medical practitioner has not directed
23 the person to refrain from operating a motor vehicle,
24 any vessel or from manipulating any water skis,
25 surfboard or similar device."

H-3904 FILED APRIL 29, 1981 BY SPEAR of Lee

W/S 2/5 (p. 259)

SENATE FILE 399

H-3921

1 Amend H-3904 to Senate File 399 as amended, passed
2 and reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 "2. Page 8, by inserting after line 28 the
6 following:

7 "Sec. ____ Section 106.14, unnumbered paragraph
8 1, Code 1981, is amended to read as follows:

9 ~~Whoever, while in an intoxicated condition or under~~
10 ~~influence of narcotic drugs,~~ operates a vessel or
11 manipulates any water skis, surfboard or similar
12 device upon the public waters of this state, while
13 under the influence of an alcoholic beverage,
14 marijuana, a narcotic, hypnotic or other drug, or
15 any combination of these substances, not permitted
16 by section 106.12, subsection 2, shall, upon conviction
17 or a plea of guilty be punished, for the first offense
18 by a fine of not less than three hundred dollars nor
19 more than one thousand dollars, or by imprisonment
20 in the county jail for a period of not to exceed one
21 year, or by both such fine and imprisonment; for the
22 second offense by a fine of not less than five hundred
23 dollars, nor more than one thousand dollars, or by
24 imprisonment in the penitentiary for a period of not
25 to exceed one year, or by both such fine and
26 imprisonment; and for a third offense and each offense
27 thereafter, by imprisonment in the penitentiary for
28 a period not to exceed three years.""
29 2. By renumbering to conform to this amendment.

H-3921 FILED APRIL 29, 1981 BY SPEAR of Lee

blacked out of order 2/5/82 (p. 257)

SENATE FILE 399

AN ACT

RELATING TO REVISION OF LAWS GOVERNING RECREATIONAL BOATING
IN IOWA, INCLUDING PENALTIES AND SCHEDULED FINES FOR
VIOLATIONS OF BOATING LAWS.

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

Section 1. Section 88A.11, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Vessels inspected by officers appointed by the conservation commission under chapter 106.

Sec. 2. Section 106.2, subsection 4, Code 1981, is amended to read as follows:

4. "Waters of this state under the jurisdiction of the state conservation 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 and waters specifically delegated to local authorities.

Sec. 3. Section 106.2, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. 20. "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.

NEW SUBSECTION. 21. "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.

NEW SUBSECTION. 22. "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.

NEW SUBSECTION. 23. "Operator" means a person who operates or is in actual physical control of a vessel.

NEW SUBSECTION. 24. "Inflatable vessel" means a vessel which achieves and maintains its intended shape and buoyancy by inflation.

NEW SUBSECTION. 25. "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.

NEW SUBSECTION. 26. "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.

Sec. 4. Section 106.3, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The state conservation commission ~~is hereby authorized to may adopt, promulgate and enforce such rules and regulations~~ under chapter 17A as may be necessary to carry out the provisions of this chapter and to protect private and public property and the health, safety, and welfare of the public. In adopting rules, the commission shall give consideration to the various uses to which they may be put by and for public and private purposes, the preservation of each body of water, its bed, waters, ice, banks, and public and private property attached thereto, and the need for uniformity of rules relating to the use, operation, and equipment of vessels and vehicles.

Sec. 5. Section 106.4, Code 1981, is amended to read as follows:

106.4 OPERATION OF UNNUMBERED VESSELS PROHIBITED. Every ~~undocumented~~ vessel except as provided in section 106.6 on the waters of this state under the jurisdiction of the state conservation commission ~~and waters specifically delegated to local authorities~~ shall be numbered. ~~No~~ A person shall ~~not~~ operate, maintain or give permission for the operation

or maintenance of any ~~such~~ vessel on such waters unless the vessel is numbered in accordance with this chapter or in accordance with applicable federal laws or in accordance with a federally approved numbering system of another state and unless the certificate of number awarded to ~~such~~ the vessel is in full force and effect ~~and the identifying number set forth in the certificate of number is displayed on each side of the bow of such vessel.~~

Sec. 6. Section 106.5, subsection 1, unnumbered paragraph 2, Code 1981, is amended to read as follows:

The owner of ~~such~~ the vessel shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the vessel and shall be accompanied by a fee of eight dollars for each motorboat or sailboat, four dollars for any other vessel without sail or motor, and a writing fee ~~of one dollar~~. Upon applying for registration the owner shall surrender the certificate of origin to the county recorder. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter ~~the same~~ it upon the records of the recorder's office and shall issue to the applicant a pocket-size registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to the vessel, the passenger capacity of the vessel and the name and address of the owner. In the use of all vessels except nonpowered sailboats, nonpowered canoes and commercial vessels the registration certificate shall be carried either in the vessel or on the person of the operator of the vessel when in use. In the use of nonpowered sailboats, nonpowered canoes or commercial vessels, the registration certificate may be kept on shore in accordance with rules promulgated by the commission. The operator shall

exhibit the certificate to any peace officer upon request, or, when involved in a collision or accident of any nature with another vessel or other personal property, to the owner or operator of the other vessel or personal property.

Sec. 7. Section 106.5, subsection 3, Code 1981, is amended to read as follows:

3. Every registration certificate and number issued ~~hereunder~~ shall become delinquent at midnight April 30, 1975, and every two years thereafter unless sooner terminated or discontinued in accordance with ~~the provisions of~~ this chapter. After the first day of January in odd-numbered years any unregistered vessels and renewals of registrations may be so registered for the subsequent biennium beginning May 1. After the first day of January in even-numbered years any unregistered motorboat or sailboat may be registered at the rate of four dollars and any other unregistered vessel without sail or motor may be registered at the rate of two dollars for the remainder of the current biennium, plus a writing fee ~~of fifty cents~~ for each registration. ~~All registrations shall become delinquent as hereinabove stated.~~ Registration certificates and numbers may be renewed upon application of the owner in the same manner as provided for in securing the original registration.

If a timely application for renewal is made, the applicant shall receive the same registration number allocated to ~~him~~ the applicant for the previous registration period. If the application for registration for the biennium is not made before May 1 of each odd-numbered year, the applicant shall be charged a penalty of ~~one dollar~~ two dollars for each six months, or any portion thereof, ~~he~~ the applicant is delinquent. ~~Provided, however,~~ that if ~~the~~ a registration is not renewed for two consecutive registration periods, the number of ~~said~~ the delinquent registration may be assigned to another ~~applicant person,~~ and upon application for registration by ~~said~~ the delinquent registrant, ~~he or she~~ shall be assigned

a new registration number and shall not be charged any penalties.

Sec. 8. Section 106.5, subsection 4, Code 1981, is amended to read as follows:

4. ~~Whenever any~~ If a person, after registering a vessel, moves from the address shown on the registration certificate, he the person shall, within ten days, notify the county recorder in writing of ~~his~~ the old and new address. If appropriate, the county recorder shall forward all past records of ~~such the~~ vessel to the recorder of the county in which the owner resides.

~~Whenever~~ If the name of ~~any a~~ person, who has registered a vessel, is ~~thereafter~~ changed, he the person shall, within ten days, notify the county recorder of ~~such the~~ former and new name.

No fee shall be paid to the county recorder for making the ~~aforementioned~~ changes mentioned in this subsection, unless the owner requests a new registration certificate showing the change, in which case a fee of one dollar plus a ~~twenty-five-cent~~ writing fee shall be paid to the recorder.

If a registration certificate is lost, mutilated or becomes illegible, the owner shall immediately make application for and obtain a duplicate registration certificate by furnishing information satisfactory to the county recorder.

A fee of one dollar plus a ~~twenty-five-cent~~ writing fee shall be paid to the county recorder for a duplicate registration certificate.

If a vessel, registered under ~~the provisions of~~ this chapter, is destroyed or abandoned, such the destruction or abandonment shall be reported to the county recorder and the registration certificate shall be forwarded to the office of the county recorder within ten days after such the destruction or abandonment.

Sec. 9. Section 105.5, subsections 6 and 7, Code 1981, are amended to read as follows:

6. The owner of each vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto shall register it every two years with the county recorder in the same manner prescribed for undocumented vessels and shall cause the registration validation decal to be placed on the vessel in the manner prescribed by the rules of the commission. ~~When such the~~ vessel bears the identification required in the documentation, it ~~shall be~~ is exempt from the placement of the identification numbers as required on undocumented vessels. The fee for such registration ~~shall be~~ is twenty-five dollars plus ~~the usual a~~ writing fee.

7. If the owner of a currently registered vessel places ~~such the~~ vessel in storage, he the owner shall return the registration certificate to the county recorder with an affidavit stating that the vessel is placed in storage and the effective date of ~~such the~~ storage. The county recorder shall notify the commission of each registered vessel placed in storage. When the owner of a stored vessel desires to renew the vessel's registration, he the owner shall ~~make~~ application apply to the county recorder and pay the registration fees plus a writing fee as provided in subsections 1 and 3 without penalty. No refund of registration fees shall be allowed for a stored vessel.

Sec. 10. Section 106.7, subsection 4, Code 1981, is amended to read as follows:

4. All reports shall be in writing, and the written report shall be without prejudice to the individual so reporting and shall be for the confidential use of the commission. ~~Provided however~~ However, upon the request of ~~any person involved in an occurrence covered under the provisions of this section, or the attorney for such person~~, the commission shall disclose the identity identities of the person persons on board the vessels involved in the occurrence and ~~his address~~ their addresses. A written report filed with the commission

shall not be admissible in or used in evidence in any civil or criminal action arising out of the facts on which the report is based.

Sec. 11. Section 106.9, subsection 2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Every vessel, in all weathers, from sunset to sunrise, shall carry and exhibit the following lights when underway, and during ~~such~~ that time shall exhibit no other lights which may be mistaken for those required except that the international lighting system as approved by the United States coast guard will be accepted for use on motorboats on the waters of this state.

Sec. 12. Section 106.9, subsection 2, paragraph d, Code 1981, is amended by striking the paragraph.

Sec. 13. Section 106.9, subsection 6, Code 1981, is amended to read as follows:

6. Every vessel shall carry at least one life preserver, life belt, ring buoy or other device, of the sort prescribed by the ~~regulations~~ rules of the commission, for each ~~person on-board passenger~~, so placed as to be readily accessible. This does not apply to a vessel which is a racing shell used in the sport of sculling.

Sec. 14. Section 106.11, Code 1981, is amended to read as follows:

106.11 MUFFLING DEVICES. The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the total vessel noise of the exhaust in a reasonable manner in accordance with rules adopted by the commission. The use of cut-outs is prohibited, except for motorboats competing in a regatta or boat race approved as provided in section 106.16 and for such motorboats while on trial run during a period from 8:00 a.m. to 6:00 p.m. not to exceed forty-eight twenty-four hours immediately preceding such regatta or race ~~and for such motorboats while competing in official trials~~

~~for speed records during a period not to exceed forty-eight hours immediately following such regatta or race.~~

Sec. 15. Section 106.12, subsection 2, Code 1981, is amended to read as follows:

2. No person shall operate any vessel, or manipulate any water skis, surfboard or similar device while ~~intoxicated or~~ under the influence of any an alcoholic beverage, marijuana, a narcotic, hypnotic or other drug, barbiturate or marijuana or any combination of these substances. However, this subsection shall not apply to a person operating any vessel or manipulating any water skis, surfboard or similar device while under the influence of marijuana, or a narcotic, hypnotic or other drug if the substances were prescribed for the person and have been taken under the prescription and in accordance with the directions of a medical practitioner as defined in section 155.3, subsection 11, provided there is no evidence of the consumption of alcohol and further provided the medical practitioner has not directed the person to refrain from operating a motor vehicle, any vessel or from manipulating any water skis, surfboard or similar device.

Sec. 16. Section 106.12, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. 7. A person shall not operate watercraft in a manner which unreasonably or unnecessarily interferes with other watercraft or with the free and proper navigation of the waters of the state. Anchoring under bridges, in a heavily-traveled channel, in a lock chamber, or near the entrance of a lock constitutes such interference if unreasonable under the prevailing circumstances.

NEW SUBSECTION. 8. A person shall not operate a vessel in violation of restrictions as given by state-approved buoys or signs marking an area.

NEW SUBSECTION. 9. A person shall not operate on the waters of this state under the jurisdiction of the commission a vessel equipped with an engine of greater horsepower rating

than is designated for the vessel by the federally-required capacity plate or by the manufacturer's plate on those vessels not covered by federal regulations.

NEW SUBSECTION. 10. A person shall not leave an unattended vessel tied or moored to a dock which is placed immediately adjacent to a public boat launching ramp or to a dock which is posted for loading and unloading.

Sec. 17. Section 106.13, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Any person violating any of the provisions of this chapter, or any of the rules adopted under this chapter, for which another penalty is not otherwise specifically provided, ~~shall~~ be is guilty of a simple misdemeanor.

Sec. 18. Section 106.14, unnumbered paragraph 1, Code 1981, is amended to read as follows:

~~Whoever, while in an intoxicated condition or under influence of narcotic drugs,~~ operates a vessel or manipulates any water skis, surfboard or similar device upon the public waters of this state, while under the influence of an alcoholic beverage, marijuana, a narcotic, hypnotic or other drug, or any combination of these substances, not permitted by section 106.12, subsection 2, shall, upon conviction or a plea of guilty be punished, for the first offense by a fine of not less than three hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for a period of not to exceed one year, or by both such fine and imprisonment; for the second offense by a fine of not less than five hundred dollars, nor more than one thousand dollars, or by imprisonment ~~in the penitentiary~~ for a period of not to exceed one year, or by both such fine and imprisonment; and for a third offense and each offense thereafter, by imprisonment ~~in the penitentiary~~ for a period not to exceed three years.

Sec. 19. Section 106.15, subsection 2, Code 1981, is amended by striking the subsection.

Sec. 20. Section 106.17, subsection 1, Code 1981, is amended to read as follows:

1. ~~The provisions of this~~ This chapter and other applicable laws of this state ~~shall~~ govern the operation, equipment, numbering and all other matters relating thereto of any vessel whenever ~~such~~ the vessel is operated or maintained on the waters of this state under the jurisdiction of the commission, but ~~nothing in~~ this chapter ~~shall be construed to~~ does not prevent the adoption of any ordinance or local law relating to the operation of or equipment of vessels. Such ordinances or local law ~~shall be~~ are operative only so long as they are not inconsistent with ~~the provisions of~~ this chapter or the rules ~~and regulations~~ adopted by the commission.

Sec. 21. Section 106.17, subsection 3, Code 1981, is amended to read as follows:

3. The commission ~~is hereby authorized,~~ upon application of local authorities to, may make special rules ~~and regulations,~~ in conformity with this chapter, concerning the operation of vessels on any waters of this state under the jurisdiction of the commission within the territorial limits of any subdivision of this state. Special rules shall only be adopted upon a finding by the commission that the rules are necessary to carry out the policies and purposes of this chapter due to special conditions with regard to a particular body of water and that the special rules provide greater protection to the public health, safety, and welfare than the rules of general application.

Sec. 22. Section 106.26, Code 1981, is amended to read as follows:

106.26 RIGHT OF WAY RULES--SPEED AND DISTANCE RULES--
ZONING WATER AREAS.

1. Vessel traffic shall be governed by the following rules:

± a. Passing from rear--keep to the operator's left.

- 2 b. Passing head on--keep to the operator's right.
- 3 c. Passing at right angles--vessel at the right has the right of way.
- 4 d. Manually propelled vessels have the right of way over all other vessels.
- 5 e. Sailboats have the right of way over all motor driven vessels. Motorboats, when meeting or overtaking sailboats, shall always pass on the leeward side.
- 6 f. Any vessel backing from a landing has the right of way over incoming vessels.

7 g. ~~The~~ When necessary to protect the public health, safety, and welfare due to the physical nature and characteristics of any waters under the jurisdiction of the commission, the commission is authorized to may promulgate further rules ~~and regulations~~ governing vessel traffic on such waters.

2. The commission may adopt rules governing all activities on waters and ice of this state under the jurisdiction of the commission, including impoundments constructed by or in cooperation with the federal government, when necessary and desirable to permit appropriate utilization of specific water areas, consistent with section 106.3. The rules may include rules relating to the following:

a. Zoning as to area, activity, vessel, or vehicle, speed, and time of day during which specified activities are permitted.

b. Horsepower, size, and types of vessels and vehicles which may be operated.

c. Safety precautions and practices required.

8 3. Except as provided in special rules promulgated under the ~~authority of~~ this chapter, the following speed and distance regulations ~~shall~~ apply:

a. On all waters under the jurisdiction of the state conservation commission:

(1) ~~No~~ A motorboat shall not be operated at speeds greater than five miles per hour when within ~~two one~~ one hundred fifty feet of another craft traveling at five miles per hour or less ~~or any sailboat at any time.~~

(2) Motorboats shall maintain a minimum passing or meeting distance of fifty feet when both boats are traveling at speeds greater than five miles per hour.

(3) A motorboat shall not be operated at a speed exceeding ten miles per hour unless vision is unobstructed at least two hundred feet ahead.

b. On all inland lakes and federal impoundments under the jurisdiction of the state conservation commission:

~~(1)--No motorboat shall be operated at a speed exceeding five miles per hour unless vision is unobstructed at three hundred feet ahead.~~

~~(2)--No~~ a motorboat shall not be operated within three hundred feet of shore at a speed greater than ten miles per hour.

Sec. 23. Section 106.27, Code 1981, is amended to read as follows:

106.27 REMOVAL OF NONPERMANENT STRUCTURES. Every vessel ~~or~~ structure, not considered a permanent structure by the commission or excepted by the ~~regulations~~ rules of the commission, shall be removed from the waters, ice, or land of this state under the jurisdiction of the commission on or before December 15 of each year. Failure to comply with this section shall cause ~~said vessel or~~ the structure to be declared a public nuisance and disposition shall be in accordance with sections 110.32 to 110.34. ~~Provided, however, that structures used for seasonal or year-round habitation purposes shall not be removed.~~

Sec. 24. Section 106.28, Code 1981, is amended to read as follows:

106.28 UNWORTHY VESSELS DRYDOCKED. No A person shall not place or allow to remain in the waters of this state under

the jurisdiction of the commission, any vessel which has failed to pass inspection. All vessels shall be seaworthy for the waters on which they are being used.

Sec. 25. Section 106.29, Code 1981, is amended to read as follows:

106.29 OFFICIAL DUTY EXEMPTED. ~~Members~~ Peace officers, members of the commission, its deputies, agents and employees ~~shall~~ are not be deemed violating the provisions of this chapter while ~~on-emergency-duty-and~~ acting within the scope of their employment in search and rescue operations, law enforcement duty, emergency duty, and other resource management activities as determined by rules of the commission.

Sec. 26. Section 106.31, Code 1981, is amended to read as follows:

106.31 ARTIFICIAL LAKES.

1. ~~No-motorboats-shall~~ Except as provided in special rules adopted under this chapter, a motorboat shall not be permitted on any artificial lake under the jurisdiction of the conservation commission except the following:

a. ~~Boats~~ A motorboat equipped with one outboard battery operated electric trolling motor of not more than one and one-half horsepower.

b. ~~Boats~~ A motorboat equipped with an outboard ~~motors~~ motor of not more than ~~six~~ ten horsepower on all artificial lakes of more than one hundred acres in size.

~~2.--No-person-shall-operate-any-sailboat-on-any-artificial lake-under-the-jurisdiction-of-the-commission-except-those lakes-specifically-designated-by-the-commission.--All sailboats,--as-operated,--must-be-of-a-type-and-size-approved by-the-commission.~~

3 2. All privately owned boats vessels on artificial lakes under the jurisdiction of the commission shall be kept at locations designated by the commission.

4 3. All privately owned ~~rowboats~~ vessels, used on or kept at the artificial lakes under the jurisdiction of the

commission, shall be seaworthy for the waters where they are kept and used. All such ~~boats~~ vessels shall be removed from state property whenever ordered by the commission, and, in any event, shall be removed from such property not later than December 15 of each year.

5 4. Upon construction of an artificial lake by any a political subdivision of this state, ~~such~~ the subdivision may, after publication in a newspaper of general circulation in the subdivision, make formal application to the commission for special rules relating to the operation of watercraft on ~~such~~ the lake, and shall set forth therein the reasons which make such special rules necessary or appropriate. The commission ~~shall~~ may promulgate ~~such~~ the special rules as provided in this chapter, concerning the operation of watercraft on a lake constructed and maintained by a subdivision of this state. Such special rules may include the following:

a. Zoning by area and time to regulate navigation and other types of activity.

b. Regulating the horsepower, size and type of watercraft.

~~6.--The-commission-may-promulgate-special-rules-concerning all-activities-on-impoundments-constructed-by-or-in-co-operation-with-the-federal-government.--Such-rules-may-include the-following:~~

~~a.--Zoning-by-area-and-time-to-regulate-navigation-and other-types-of-activity.~~

~~b.--Regulating-the-horsepower,-size-and-type-of-watercraft.~~

Sec. 27. Section 106.32, subsection 3, Code 1981, is amended to read as follows:

3. It ~~shall-be~~ is unlawful to tamper with, move or attempt to move or, except in an emergency, moor a vessel to any state-owned waterway marker or state-approved buoy or sign.

Sec. 28. Section 106.33, Code 1981, is amended to read as follows:

106.33 DRIVING OVER ICE. No A craft or vehicle operating on the surface of ice on the ~~inland~~ lakes and streams of this state including boundary streams and lakes and propelled by sail or by machinery in whole or in part, except ice-cutting machinery, automobiles, motorcycles and trucks licensed under chapter 321 or snowmobiles registered under chapter 321G when ~~such~~ they are used without endangering public safety, shall not be operated without a permit issued, by the commission, for such operation. Any such permit issued may be revoked by the commission if ~~such~~ the craft or vehicle is operated in a careless manner as which endangers others. Except when authorized by a permit for a special event, automobiles, motorcycles, and trucks when used on the ice of waters under the jurisdiction of the commission shall not exceed fifteen miles per hour and shall be operated in a reasonable and prudent manner.

Sec. 29. Section 106.53, Code 1981, is amended by striking the section and inserting the following in lieu thereof:

106.53 AMOUNT OF WRITING FEES. A writing fee of one dollar for each transaction shall be collected by the county recorder. If two or more functions are transacted for the same vessel at one time, the writing fee is limited to one dollar.

Sec. 30. Chapter 106, Code 1981, is amended by adding sections 31 through 36 of this Act.

Sec. 31. NEW SECTION. INSPECTION AUTHORITY. An officer of the commission may stop and inspect a vessel being launched, being operated, or being moored on the waters of this state under the jurisdiction of the state conservation commission to determine whether the vessel is properly registered, numbered, and equipped as provided under this chapter and rules of the commission. An officer may board a vessel in the course of an inspection if the operator is unable to supply visual evidence that the vessel is properly registered and equipped as required by this chapter and rules of the

commission. The inspection shall not include an inspection of an area that is not essential to determine compliance with the provisions of this chapter and rules of the commission.

Sec. 32. NEW SECTION. INSPECTION DEFICIENCY ORDER. If after performing an inspection the officer determines that the vessel is not properly registered, numbered, or equipped, the officer may issue an inspection deficiency order or citation to the operator of the vessel. The inspection deficiency order may indicate any deficiencies found to exist during the inspection and shall direct the owner or operator of the vessel to properly register or number the vessel or have equipment repairs or replacements made and return a copy of the inspection deficiency order with proof of compliance with the registration, numbering, or equipment requirements to the commission within fourteen days. If such proof is not provided within fourteen days, the owner or operator is in violation of this chapter.

Sec. 33. NEW SECTION. TERMINATION OF USE. A vessel for which an inspection deficiency order has been issued shall cease to be used as soon as possible and shall not be launched upon the waters of this state under the jurisdiction of the state conservation commission until the vessel is in compliance with the registration, numbering, or equipment requirement for which the order was issued.

Sec. 34. NEW SECTION. PUBLIC USE OF WATER FOR NAVIGATION PURPOSES. Water occurring in any river, stream, or creek having definite banks and bed with visible evidence of the flow of water is flowing surface water and is declared to be public waters of the state of Iowa and subject to use by the public for navigation purposes in accordance with law. Land underlying flowing surface water is held subject to a trust for the public use of the water flowing over it. Such use is subject to the same rights, duties, limitations, and regulations as presently apply to meandered streams, or other streams deemed navigable for commercial purposes and to any

reasonable use by the owner of the land lying under and next to the flowing surface water.

Sec. 35. NEW SECTION. HULL IDENTIFICATION, CAPACITY PLATES, WARNING LABELS.

1. ALTERING OR CHANGING NUMBERS ON PLATES.

a. A person shall not with fraudulent intent, deface, destroy, or alter the hull identification number, capacity plate, or any other plate, warning label, or instrument required by state or federal law on a vessel or component part nor shall a person place or stamp a hull identification number, capacity plate, or any other warning label or instrument upon a vessel or component part except one assigned thereto by state or federal law.

b. This section does not prohibit the restoration of an original hull identification number, capacity plate, or any other original plate, warning label, or instrument required by state or federal law when the restoration is made by the commission nor prevent a manufacturer from placing in the ordinary course of business numbers, plates, or marks upon vessels or component parts.

2. TEST TO DETERMINE TRUE NUMBER OR PLATE. When it appears that a hull identification number, capacity plate, or any other plate, warning label, or instrument required by state or federal law has been altered, defaced, or tampered with, a peace officer or inspector employed by the commission or any other person acting under the direction of a peace officer or inspector, may apply any recognized process or test to the vessel or part containing such number or plate for the purpose of determining the true number or plate content.

3. RIGHT OF INSPECTION. Peace officers or examiners employed by the commission may inspect any vessel or component part in possession of any person or found upon the waters of this state under the jurisdiction of the commission or in a public mooring or storage area or enclosure in which vessels or component parts are kept for sale, storage, hire,

or repair and to determine vessel or component part identification may board the vessel or enter the public mooring or storage area or enclosure.

4. PENALTY. A person who is convicted of a violation of any of the provisions of this section or rules adopted under this section by the commission is guilty of a class D felony.

Sec. 36. NEW SECTION. RECIPROCITY. The director, with the consent of the commission, may enter into agreements with the appropriate regulatory agencies of other states as necessary or convenient to carry out the purposes of this chapter and not inconsistent with this chapter, and may do all acts contained in the agreements.

The agreements may include, but are not restricted to, the following provisions:

1. Regulations in regard to registration, numbering, and equipment of vessels.
2. Operating requirements for vessels and vessel operators.
3. Enforcement activity of officers.

Sec. 37. Section 805.8, subsection 3, paragraphs a, b and c, Code 1981, are amended by striking the paragraphs and inserting in lieu thereof the following:

a. For violations of registration, inspections, identification, and record provisions under sections 106.5, 106.35, 106.37, and for unused or improper or defective lights and warning devices under section 106.9, subsections 3, 4, 5, 9, and 10, the scheduled fine is ten dollars.

b. For violations of registration, identification, and record provisions under sections 106.4 and 106.10 and for unused or improper or defective equipment under section 106.9, subsections 2, 6, 7, 8, and 13, and section 106.11 and for operation violations under sections 106.26, 106.31 and 106.33, the scheduled fine is twenty dollars.

c. For operating violations under sections 106.12, 106.15, subsection 1, 106.24, and 106.34, the scheduled fine is twenty-

five dollars. However, a violation of section 106.12, subsection 2, is not a scheduled violation.

Sec. 38. Section 805.8, subsection 3, paragraphs d and e, Code 1981, are amended by striking the paragraphs.

Sec. 39. Section 805.8, subsection 3, paragraph g, Code 1981, is amended to read as follows:

g. For violations of all subdivision ordinances under section 106.17, subsection 2, except those relating to matters subject to regulation by authority of subsection 5 of section 106.31, the scheduled fine is ~~ten dollars, whether or not a different scheduled fine is prescribed elsewhere in this subsection~~ the same as prescribed for similar violations of state law. For violations of subdivision ordinances for which there is no comparable state law the scheduled fine is ten dollars.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 399, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved *[Signature]*, 1982

ROBERT D. RAY
Governor