

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 321G.23, 321I.25, 462A.1 and 483A.27(4), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 12, “Conservation Education,” Iowa Administrative Code.

These amendments clarify the general requirements of the Department’s boating, snowmobiling, all-terrain vehicle, snow groomer operation, fur harvester, and bow hunting education programs, as well as further delineate each program’s instructor certification criteria.

Any interested person may make written suggestions or comments on the proposed amendments on or before February 2, 2010. Such written comments should be directed to Rhonda Fowler, Iowa Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319; fax (515)281-6794; or by E-mail at rhonda.fowler@dnr.iowa.gov. Persons who wish to convey their views orally should contact Ms. Fowler at (515)281-3208, or at the Bureau offices on the fourth floor of the Wallace State Office Building.

These amendments are intended to implement Iowa Code sections 321G.23, 321I.25, 462A.1, and 483A.27(4).

The following amendments are proposed.

ITEM 1. Amend **571—Chapter 12** by adopting the following new division title:

DIVISION II

RECREATIONAL EDUCATION COURSES

ITEM 2. Amend **571—Chapter 12** by adopting the following new Part I title:

PART I

VOLUNTEER INSTRUCTOR CERTIFICATION AND DECERTIFICATION PROCEDURES

ITEM 3. Adopt the following new rules 571—12.20(321G,321I,462A,483A) to 571—12.29(321G,321I,462A,483A):

571—12.20(321G,321I,462A,483A) Purpose. Pursuant to Iowa Code sections 321G.23, 321I.25, 462A.1 and 483A.27(4), these rules set forth curriculum and course standards for the department’s recreational education courses and provisions for certification of volunteer instructors to teach the courses.

571—12.21(321G,321I,462A,483A) Definitions. For the purpose of this division:

“*Certified instructor*” means a person who meets all the criteria in rule 571—12.23(321G,321I,462A,483A) and the specifics contained in each education program’s Instructor Policies and Procedures Manual and who wishes to voluntarily teach an education course.

“*Department*” means the department of natural resources.

“*DNR online training registration and tracking system*” means the Web-based application that tracks student data, allows students to register for courses, allows certified instructors to list their course offerings and to track volunteer hours and program details, and displays downloadable PDF files.

“*Education course*” means the department’s bow hunter, fur harvester, snowmobile, all-terrain vehicle (ATV), boating, snow groomer operator, and hunter safety and ethics courses.

“*Instructor applicant*” means a person who has applied to become a certified volunteer instructor for one of the department’s education courses.

“Managed Internet course” means a course offered via the Internet which contains a protocol that ensures that the person registering for the course is the person taking the test and includes a progressive sequence for the presentation of course material.

“Student” means a person who wishes to enroll or has enrolled in an education course.

“Workshop” means the education course for the fur harvester education program.

571—12.22(321G,321I,462A,483A) Certified instructor application process.

12.22(1) Application procedures.

a. The instructor applicant must request an application by contacting a program coordinator, a recreation safety officer, or the recreational safety programs supervisor.

b. The instructor applicant must provide all information requested on the application or the department may reject the application.

c. The application will remain on file until the instructor applicant meets all the requirements in rule 571—12.23(321G,321I,462A,483A).

d. Once the instructor applicant successfully completes all required training and meets all required qualifications, the program coordinator, recreation safety officer, or recreational safety programs supervisor shall document that all certification requirements have been met and shall issue a certified instructor identification card to the instructor.

12.22(2) Acceptance of certified instructor applications. If the number of existing certified instructors meets the demand for courses based on student enrollment, the department may choose not to accept new applications.

571—12.23(321G,321I,462A,483A) Requirements for instructor certification.

12.23(1) Minimum requirements. The following requirements must be satisfied before an instructor applicant may become a certified instructor. Failure to meet these requirements shall result in the denial of the application. The instructor applicant will be notified of the denial by the program coordinator or recreational safety programs supervisor. The instructor applicant must:

- a. Submit an application as provided by the department.
- b. Be at least 18 years of age.
- c. Attend and pass an instructor training and certification course described below and administered by the department.

(1) ATV education program. The instructor training and certification course for the ATV education program reviews the policies and procedures of the department as contained in these rules and the specifics of the program, paperwork required by the department, the education course material, teaching techniques, and the criteria for evaluating the performance of student skills and requires completion of the education course and apprenticeship.

(2) Boating education program. The instructor training and certification course for the boating education program reviews the policies and procedures of the department as contained in these rules and the specifics of the program, paperwork required by the department, the education course material, teaching techniques, and the criteria for evaluating the performance of student skills and requires completion of the education course and apprenticeship.

(3) Hunter safety and ethics education program. The instructor training and certification course for the hunter safety and ethics education program reviews the policies and procedures of the department as contained in these rules and the specifics of the program, paperwork required by the department, the education course material, teaching techniques, and the criteria for evaluating the performance of student skills and requires completion of the education course and apprenticeship.

(4) Bow hunter education program. The instructor training and certification course for the bow hunter education program reviews the policies and procedures of the department as contained in these rules and the specifics of the program, paperwork required by the department, the education course material, teaching techniques, and the criteria for evaluating the performance of student skills and requires completion of the education course and apprenticeship.

(5) *Fur harvester education program.* The instructor training and certification course for the fur harvester education program reviews the policies and procedures of the department as contained in these rules and the specifics of the program, paperwork required by the department, the workshop material, teaching techniques, and the criteria for evaluating the performance of student skills and requires completion of the workshop and apprenticeship.

(6) *Snowmobile education program.* The instructor training and certification course for the snowmobile education program reviews the policies and procedures of the department as contained in these rules and the specifics of the program, paperwork required by the department, the education course material, skills that pertain to administering the student examination, and teaching techniques.

(7) *Snow groomer operator education program.* The training for the snow groomer operator program teaches the basics of snow science, best practices of equipment operation, documentation requirements, liability issues, insurance coverage, and the requirements of the equipment agreement that is in place between the individual club and the department.

12.23(2) *Apprenticeship.* The instructor applicant must complete an apprenticeship for the specific education program.

a. ATV education program. The apprenticeship requirement for the ATV education program is completed as part of the instructor training and certification course.

b. Boating education program. The apprenticeship requirement for the boating education program is completed as part of the instructor training and certification course.

c. Hunter safety and ethics education program. The apprenticeship requirement for the hunter safety and ethics education program may be completed as part of the instructor training and certification course. If the apprenticeship requirement is not covered during the instructor training and certification course, a recreation safety officer will assign the instructor applicant to an upcoming course to fulfill the apprenticeship requirement. The instructor applicant must complete the apprenticeship within one year of attending an instructor training and certification course.

d. Bow hunter education program. The apprenticeship requirement for the bow hunter education program is completed as part of the instructor training and certification course.

e. Fur harvester education program. The apprenticeship requirement for the fur harvester education program is completed as part of the instructor training and certification course.

f. Snowmobile education program. The instructor applicant shall fulfill the apprenticeship requirement for the snowmobile education program by assisting a certified instructor with preparing and presenting an education course to students.

g. Snow groomer operator education program. The apprentice must operate the equipment under the direct supervision of a certified operator until the apprentice is capable of operating the equipment without supervision.

12.23(3) *Background check.* The instructor applicant must authorize a background check that includes, but may not be limited to, a criminal history check. A record of a felony conviction will disqualify the instructor applicant. A record of a serious or aggravated misdemeanor within the last three years will disqualify the instructor applicant.

12.23(4) *Fish and wildlife violation check (hunting, fishing, and trapping).* The instructor applicant must authorize a fish and wildlife violation check. The instructor applicant may be disqualified if the instructor applicant has accumulated any habitual offender points pursuant to rule 571—15.6(483A) within the last five years or has had a license suspended by a court of law or the department.

571—12.24(321G,321I,462A,483A) Certified instructor responsibilities and requirements.

12.24(1) A certified instructor has the following responsibilities:

a. To follow all policies and procedures as set forth by the department for the specified education program.

b. To sign an acknowledgment form confirming receipt of the department's policies and procedures. The certified instructor is ineligible to begin teaching an education course until the acknowledgment form is signed and filed with the department. Any updates to the policies and procedures shall be provided in writing to the certified instructor, and an additional acknowledgment

form must be signed and filed with the department. Failure to file a subsequent acknowledgment form with the department invalidates the instructor's certification.

- c. To assist in the recruitment and training of additional certified instructors.
- d. To recruit students for and train students in the education course.
- e. To actively promote the education program in the instructor's county and to publicize each new education course.
- f. To maintain order and discipline in the classroom and outdoor classroom at all times.
- g. To accurately fill out forms and reports required by the department for the accurate input and upkeep of the DNR online training registration and tracking system's records.
- h. To teach the education course as prescribed by the department.

12.24(2) A certified instructor must teach a minimum of one course every two years. If this requirement is not met, the instructor's certification may be revoked after notification by certified mail. If an instructor's certification is revoked due to inactivity, the instructor may reapply to become a certified instructor pursuant to rule 571—12.22(321G,321I,462A,483A). Based upon the period of inactivity, some of the requirements in rule 571—12.23(321G,321I,462A,483A) may be waived by the program coordinator or recreational safety programs supervisor.

12.24(3) A certified instructor must attend one continuing education instructor workshop every two years.

12.24(4) A certified instructor shall represent the department in a positive manner that supports the department's goals and shall avoid even the appearance of impropriety while instructing students.

12.24(5) A certified instructor must teach the education course with another adult present unless the certified instructor obtains prior approval from the department. It is the department's preference that the certified instructor is assisted by another department-certified instructor, but a noncertified assistant over 18 years of age may assist so long as the noncertified assistant does not directly teach the students substantive issues of the course. The person assisting the certified instructor must meet the same standards and expectations for character and behavior as the department has for its certified instructors. The certified instructor is responsible for the conduct of the noncertified assistant and is subject to having certification suspended or revoked based upon the actions of the noncertified assistant.

If the course is taught without another adult present, notification to the program coordinator, recreation safety officer, or recreational safety programs supervisor must be made and authorization of the course must be given by the department. A parent or legal guardian of a student in the class who is present as a direct result of the student's participation is not eligible to assist with the class.

This subrule does not apply to a conservation officer or any other department representative who is teaching an education course alone.

12.24(6) A certified instructor must use a public building or facility when teaching an education course. Certified instructors shall not use private residences for classes. An exception may be made at the discretion of the program coordinator, recreation safety officer, or recreational safety programs supervisor for outdoor classroom areas and workshops used to show the operation of equipment.

571—12.25(321G,321I,462A,483A) Grounds for revocation or suspension of instructor certification. The department may, at any time, seek to revoke or suspend the instructor certification of any person who:

1. Fails to meet the instructor responsibilities and requirements as outlined in rule 571—12.24(321G,321I,462A,483A).
2. Fails to follow the policies and procedures of the department.
3. Falsifies any information that may be required by the department. Falsifying information is understood to mean purposefully supplying information that is inaccurate or misleading or the intentional omission of information.
4. Handles any equipment in an unsafe manner, or allows any student or other instructor to handle equipment in a reckless or unsafe manner.
5. Is convicted of or forfeits a bond for any fish and game, snowmobile, ATV, or navigation violation of this state or any other state. Anyone who has a privilege to operate a motor vehicle

suspended, barred, or revoked shall not be eligible to be an instructor for the snowmobile, ATV, or snow groomer operator education program.

6. Uses profanity or inappropriate language, such as any type of sexist or racial references or generalities.

7. Engages in the physical punishment of a student, including the use of unreasonable or unnecessary physical force or physical contact made with the intent to cause pain, or any type of indecent contact with a child as defined by the Iowa Code.

8. Participates in a course while under the influence of alcohol or any illegal drug or while ingesting prescription medication in a manner contrary to the dosing directions given by the prescribing physician.

9. Has substantiated complaints filed against the instructor by the public, department personnel, or other certified instructor.

10. Fails to meet the requirements in subrule 12.24(2) or 12.24(3).

11. Is under investigation for committing, is in the process of a judicial proceeding based on the allegation of committing, or is convicted of committing a felony or an aggravated or serious misdemeanor as defined in the statutes of this state or another state. Every certified instructor is subject to a criminal history check and conservation violation check at any time during the instructor's tenure as an instructor.

12. Receives compensation directly or indirectly from students for time spent preparing for or participating in an education course.

13. Teaches an education course without another adult present without prior department approval.

571—12.26(321G,321I,462A,483A) Temporary suspensions and immediate revocations of instructor certifications.

12.26(1) Any complaint made against a department-certified instructor will be taken seriously and will be investigated by a program coordinator, a recreation safety officer, or a conservation officer. If convincing evidence exists that a certified instructor engaged in any of the activities listed in rule 571—12.25(321G,321I,462A,483A), the instructor's certification will be temporarily suspended. A letter detailing the reason(s) for the instructor's certification suspension will be sent via certified mail to the last-known address of the instructor. The letter will detail the length of the suspension and any corrective action to be taken by the instructor prior to the instructor's certification being reinstated.

12.26(2) At the conclusion of the department's investigation, any certified instructor who is found to have engaged in the activities listed in rule 571—12.25(321G,321I,462A,483A), numbered paragraph "3," "5," "7," "8," "11," or "12," shall immediately have the instructor's certification revoked. In the event that an instructor's certification is revoked, rule 571—12.29(321G,321I,462A,483A) shall apply.

12.26(3) At the conclusion of the department's investigation, if a certified instructor is found to have exercised bad judgment while teaching a class, failed to complete paperwork in a timely and proper manner, or engaged in risky or unsafe behavior or in an activity listed in rule 571—12.25(321G,321I,462A,483A), numbered paragraph "4," "6," "9," or "13," the suspension shall be exercised at the department's discretion based upon the nature and seriousness of the misconduct.

12.26(4) For the hunter safety and ethics education program, bow hunter education program, and fur harvester education program, the results of the department's investigation shall be supplied to the Iowa Hunter Education Instructor Association (IHEIA), which shall review the results and supply a disciplinary recommendation to the department. The department shall consider IHEIA's recommendation when exercising its discretion to suspend or revoke the instructor's certification, based upon the nature and seriousness of the misconduct.

571—12.27(321G,321I,462A,483A) Termination of certification. Any certified instructor has the right, at any time, to voluntarily terminate the instructor's certification. If a certified instructor voluntarily terminates the certification or the instructor's certification is revoked by the department, the instructor must return to the department the certification card and all materials that were provided to the individual.

571—12.28(321G,321I,462A,483A) Compensation for instructors. Instructor applicants and certified instructors shall not receive any compensation for their time either directly or indirectly from students while preparing for or participating in a course. However, instructor applicants and certified instructors may require students to pay for actual, course-related expenses involving facilities, meals, or materials other than those provided by the department. All certified instructors shall keep all records, bills, receipts, etc., relating to student payments for at least one year after the course and shall submit such documents to the department upon request.

571—12.29(321G,321I,462A,483A) Hearing rights. If the department seeks to revoke an instructor certification pursuant to rule 571—12.26(321G,321I,462A,483A), the department shall provide to the certified instructor written notice of the intent to revoke the certification as provided in Iowa Code chapters 17A and 455A, and Iowa Administrative Code 561—Chapter 7. If the certified instructor requests a hearing, it shall be conducted in accordance with Iowa Administrative Code 561—Chapter 7.

ITEM 4. Amend **571—Chapter 12** by adopting the following new Part II title:

PART II

RECREATION EDUCATION PROGRAMS

ITEM 5. Adopt the following new rules 571—12.31(321I) to 571—12.37(483A):

571—12.31(321I) ATV education program.

12.31(1) For the ATV education program, the department has developed a rider-based course designed to meet the statutory requirement to provide rider education and instructor development as contained in Iowa Code section 321I.25. The department also recognizes safety courses taught by ATV Safety Institute (ASI)-certified instructors.

12.31(2) The department's ATV Education Program Skills Course is approximately four hours in length and is designed to be completed in one day. The education course is designed to teach ATV riders the principles and behaviors of safe and responsible ATV riding. The education course consists of both lectures and riding lessons.

12.31(3) The following criteria apply to the ATV education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certificate shall not become valid until the student's twelfth birthday.

b. A student successfully completes the skills portion of the education course by demonstrating proficiency in the riding skills taught in the course. Students who are not able to demonstrate safe riding skills will not earn an education certificate.

c. Students must use the DNR online training registration and tracking system to register for classes. Students under the age of 14 must have a parent establish a user account and register on their behalf.

d. The cost of the education course is \$25 per student. Payment must be made when the student registers for the course. Course fees are nonrefundable.

e. Students must provide their own protective riding gear and an ATV properly sized for the student. "Properly sized" means the student can comfortably reach all of the controls on the machine and can operate them. The student must wear a helmet at all times when the student is operating an ATV. The ATV must be in good working order, equipped with a proper muffler, and have current registration. Students whose ATVs do not meet the requirements of this paragraph or whose ATVs are not properly sized will not be allowed to participate in the education course.

12.31(4) The department will work with vendors to develop online offerings that will meet the department's requirements and standards for curriculum, security protocol, and managed delivery. Only vendors that have entered into a memorandum of understanding with the department will be allowed to offer an online course that results in the issuance of a department education certificate. Vendors may charge for their courses as agreed to in the memorandum of understanding and must collect the department's education certificate fee on behalf of the department.

571—12.32(321G) Snowmobile education program.

12.32(1) For the snowmobile education program, the department has developed an education course designed to meet the statutory requirement to provide rider education and instructor development as contained in Iowa Code section 321G.23.

12.32(2) The education course is approximately eight hours in length and is designed to be completed in one day. The course is taught by certified instructors and is classroom-based.

12.32(3) The following criteria apply to the snowmobile education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certificate shall not become valid until the student's twelfth birthday.

b. Students will be given a written examination that they must pass with 80 percent accuracy in order to earn their education certificate.

c. A home study course may be offered at the discretion of the department. A student must pass a written examination with 80 percent accuracy in order to earn an education certificate.

d. Students must use the DNR online training registration and tracking system to register for classes. Students under the age of 14 must have a parent establish a user account and register on their behalf.

e. The cost of the education course is \$10 per student. Payment must be made when the student registers for the course. Course fees are nonrefundable.

12.32(4) The department will work with vendors to develop online offerings that will meet the department's requirements and standards for curriculum, security protocol, and managed delivery. Only vendors that have entered into a memorandum of understanding with the department will be allowed to offer an online course which results in the issuance of a department education certificate. Vendors may charge for their courses as agreed to in the memorandum of understanding and must collect the department's education certificate fee on behalf of the department.

571—12.33(462A) Boating education program.

12.33(1) In accordance with Iowa Code section 462A.1, the goal of the boating education program and education course is to promote safe and responsible boating practices. The department also recognizes safety courses taught by the United States Coast Guard Auxiliary- and the United States Power Squadron-certified instructors.

12.33(2) The education course for the boating education program is taught by certified instructors in a classroom setting and shall be a minimum of eight hours in length.

12.33(3) The following criteria apply to the boating education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certificate shall not become valid until the student's twelfth birthday.

b. Students will be given a written examination that they must pass with 80 percent accuracy in order to earn an education certificate.

c. A home study course may be offered at the discretion of the department. A student must pass a written examination with 80 percent accuracy in order to earn an education certificate.

d. Students must use the DNR online training registration and tracking system to register for classes. Students under the age of 14 must have a parent establish a user account and register on their behalf.

e. The cost of the education course is \$5. Payment must be made when the student registers for the course. Course fees are nonrefundable.

12.33(4) The department will work with vendors to develop online offerings that will meet the department's requirements and standards for curriculum, security protocol, and managed delivery. Only vendors that have the National Association of State Boating Law Administrators seal of approval and have entered into a memorandum of understanding with the department will be allowed to offer an online course which results in the issuance of a department education certificate. Vendors may charge for their

courses as agreed to in the memorandum of understanding and must collect the department's education certificate fee on behalf of the department.

571—12.34(483A) Hunter safety and ethics education program.

12.34(1) The goals of the hunter education and ethics program are to educate students about hunter safety and ethics, to train certified instructors to teach hunter education, and to continue to keep hunting the safe activity it has become. The education course for the hunter safety and ethics education program is designed to teach students basic survival and first-aid skills, water safety, wildlife identification, and the basics of wildlife management, hunting laws, and firearm/archery safety. The education course also stresses the importance of individual responsibility and outdoor ethics. Satisfactory completion of the education course is mandatory pursuant Iowa Code section 483A.27 for anyone born after January 1, 1972, who wishes to purchase an Iowa hunting license.

12.34(2) The education course is taught by certified instructors and is a minimum of ten hours in length. The education course shall have both classroom and hands-on components. Where permitted, live fire exercises may be taught.

12.34(3) The hunter safety and ethics education program also offers an online course/field day. The online course is approximately six hours in length and is designed to be a managed Internet course. A field day voucher may be purchased from the online vendor for a fee determined in the memorandum of understanding with the department upon the student's successful completion of the online course. The field day voucher is valid for one year from the date of issuance and authorizes entrance into a field day course. The field day portion is approximately four hours in length and is designed to meet the additional required elements of the hunter safety and ethics education program as required in Iowa Code section 483A.27. Students must also preregister for the field day course by using the DNR online training registration and tracking system. The department recommends that the student be 16 years of age or older to take the online/field day course. Only vendors that have been approved by the International Hunter Education Association and have entered into a memorandum of understanding with the department shall be allowed to offer an online course that results in the issuance of a field day voucher.

12.34(4) The following criteria apply to the hunter safety and ethics education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certificate shall not become valid until the student's twelfth birthday. Iowa residents under the age of 12 may be issued a deer or turkey license; however, a licensed adult must accompany each youth hunter. If the certificate is lost, a replacement certificate may be obtained from any electronic licensing system for Iowa (ELSI) vendor during regular business hours for \$3.50.

b. A student successfully completes the course by completing a minimum of ten hours of training, six of which may be completed online if a student chooses to attend an online/field day course. Upon completion of the ten-hour curriculum, each student must take an individual oral or written test provided by the department. The student must pass the test with a score of 75 percent or higher. Based on the results of the test and the student's demonstration of safe handling of a firearm, the instructor shall determine if the student shall be issued a certificate of completion.

c. Students must use the DNR online training registration and tracking system to register for classes when applicable. Students under the age of 14 must have a parent establish a user account and register on their behalf. If a student is unable to register for a class on the online system, registration instructions will be listed along with the class posting on how to register for the class.

d. There is no fee for the education course.

571—12.35(321G) Snow groomer operators.

12.35(1) The department has developed a program to educate snow groomer operators to meet the statutory requirement of Iowa Code section 321G.2.

12.35(2) Operator certification is awarded upon the applicant's completion of both the training course and apprenticeship requirements detailed in rule 571—12.23(321G,321I,462A,483A).

12.35(3) The following criteria apply to the snow groomer operator program:

- a.* An operator must be at least 18 years of age and possess a valid Iowa driver's license in order to be certified to operate a piece of snow grooming equipment.
- b.* Students must use the DNR online training registration and tracking system to register for classes.
- c.* The cost of the course is \$10 per student. Payment must be made when the student registers for the course. Course fees are nonrefundable.
- d.* In order for an operator's certification to remain active, the operator must attend a training session once every three years.
- e.* Operators will agree to follow all policies and procedures as set forth by the department and must sign an acknowledgment form for these policies and procedures and file it with the department. The operator is ineligible to begin operating equipment, including during the apprenticeship training, until the acknowledgment form is signed and on file with the department.
- f.* The department may, at any time, seek to revoke or suspend the snow groomer operator certification of any person who:
- (1) Fails to follow the policies and procedures of the department.
 - (2) Falsifies any information that may be required by the department. Falsifying information is understood to mean purposefully supplying information that is inaccurate or misleading or the intentional omission of information that would negatively impact an applicant.
 - (3) Handles any equipment in a reckless or unsafe manner, or allows another person to handle equipment in a reckless or unsafe manner.
 - (4) Is convicted of or forfeits bond for any fish and game, snowmobile, ATV, or navigation violation of this state or any other state. Anyone who has a privilege to operate a motor vehicle suspended, barred, or revoked shall not be eligible to be a snow groomer operator.
 - (5) Operates snow grooming equipment while under the influence of alcohol or any illegal drug or while ingesting prescription medication in a manner contrary to the dosing directions given by the prescribing physician.
 - (6) Has substantiated complaints filed against the operator by the public, department personnel, or other certified instructor.
 - (7) Fails to meet the ongoing training requirements.
 - (8) Is under investigation for committing, is in the process of a judicial proceeding based on the allegation of committing, or is convicted of committing a felony or an aggravated or serious misdemeanor as defined in the statutes of this state or another state. Every snow groomer operator will be subject to a criminal history check and conservation violation check at any time during the operator's tenure as an operator.
- g.* Any complaint made against a department-certified snow groomer operator will be taken seriously and will be investigated by the program coordinator, recreation safety officer, or a conservation officer. If convincing evidence exists that an operator engaged in any of the activities listed in paragraph "*f*" above, the operator's certification will be temporarily suspended. A letter detailing the reason(s) for the operator's certification suspension will be sent via certified mail to the last-known address of the operator. The letter will detail the length of the suspension and any corrective action to be taken by the operator prior to reinstatement of the operator's certification. If the results of the investigation warrant a revocation of the operator's certification, rule 571—12.29(321G,321I,462A,483A) will apply.
- h.* Any certified snow groomer operator has the right, at any time, to voluntarily terminate certification. If an operator voluntarily terminates certification or certification is revoked by the department, the operator must return to the department the certification card and all materials that were provided to the individual.
- i.* Snow groomer operator volunteer instructors are certified by the program coordinator. Training includes review of the department's policies and procedures, course materials, operator certification requirements, paperwork requirements, and teaching techniques. Applications for instructor certification will be taken on an as-needed basis as determined by the program coordinator.

571—12.36(483A) Bow hunter education program.

12.36(1) The education course for the bow hunter education program is designed to teach bow hunters safe and ethical hunting techniques and to instill responsible attitudes toward people, wildlife, and the environment. The education course is based on the National Bowhunter Education Foundation's publications and is administered by the department. The education course covers topics such as responsibilities of a bow hunter, knowledge necessary before hunting, shot placement, tree stand safety, blood trailing, and game care. The education course is offered in both a classroom and an online setting.

12.36(2) The classroom course is taught by department-certified instructors and is approximately six hours in length. The course shall have both classroom and hands-on components. Students will be given a written examination, which they must pass with 75 percent accuracy in order to earn an education certificate.

12.36(3) The online course is a combination of an online class and a field day and is designed for students 16 years of age or older. A student must complete both the online class and field day to gain certification. Only vendors that have been approved by the International Hunter Education Association and have entered into a memorandum of understanding with the department will be allowed to offer an online course that results in the issuance of a field day voucher. The field day voucher is valid for one year and authorizes entrance into a field day course.

a. The online class is completed by the student on the student's own time. This portion of the course is in conjunction with the National Bowhunter Education Foundation, which charges a fee to students for the foundation's service.

b. The field day is offered free of charge by a certified bow hunter instructor. A student successfully completes the online course/field day by presenting to the field day instructor a copy of the Field Day Qualifier Certificate from the National Bowhunter Education Foundation online course to show that the student has successfully completed the online portion. Students then must successfully participate in practical testing at the field day and demonstrate bow and arrow safety and hunting skills under the supervision of a certified instructor. Students may be required to bring their own bow-hunting equipment to be used during the field day. Students must also preregister for the field day course by using the DNR online training registration and tracking system.

12.36(4) The following criteria apply to the bow hunter education program:

a. Any student who is 11 years of age or older may enroll in a course and receive a certificate if the student successfully completes the course; however, if the student is 11 years old, the certificate shall not become valid until the student's twelfth birthday.

b. Students must use the DNR online training registration and tracking system to register for classes. Students under the age of 14 must have a parent establish a user account and register on their behalf.

571—12.37(483A) Fur harvester education program.

12.37(1) The workshop for the fur harvester education program is designed to teach trappers safe and ethical trapping techniques and to instill responsible attitudes toward people, wildlife, and the environment.

12.37(2) The workshop is between six to eight hours in length, and students will receive instruction and hands-on training on the history and heritage of the fur trade, biology and management of Iowa furbearers, wildlife regulations and their purpose, ethics and responsibility, fur harvesting equipment, the basics of harvesting Iowa furbearers, marketing furbearers, public relations, and the basics of outdoor safety and survival. Students will receive a certificate of completion at the end of the workshop.

12.37(3) The following criteria apply to the fur harvester education program:

a. Any student who is 11 years of age or older may enroll in a workshop and receive a certificate if the student successfully completes the workshop; however, if the student is 11 years old, the certificate shall not become effective until the student's twelfth birthday.

b. Students must use the DNR online training registration and tracking system to register for a workshop. Students under the age of 14 must have a parent establish a user account and register on their behalf.

c. There is no fee for the workshop.

The rules in this division are intended to implement Iowa Code sections 321G.2, 321G.23, 321I.25, 462A.1, and 483A.27.