

House File 69

S-3318

1 Amend House File 69, as amended, passed, and reprinted by the  
2 House, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 716.7, Code 2017, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 4. A person has received notice to abstain  
7 from entering or remaining upon or in property within the  
8 meaning of subsection 2 if any of the following is applicable:

9 a. The person has been notified to abstain from entering or  
10 remaining upon or in property personally, either orally or in  
11 writing, including by a valid court order under chapter 236.

12 b. A printed or written notice forbidding such entry has  
13 been conspicuously posted or exhibited at the main entrance to  
14 the property or the forbidden part of the property.

15 c. Identifying purple marks or caps have been placed on  
16 trees or posts around the area where entry is forbidden. Each  
17 purple mark must be either of the following:

18 (1) A vertical line of at least eight inches in length and  
19 the bottom of the mark must be no less than three feet and  
20 no more than five feet above the ground. Such marks must be  
21 placed no more than one hundred feet apart and must be readily  
22 visible to any person approaching the property.

23 (2) A fence post capped or otherwise marked on at least the  
24 post's top two inches. The bottom of the cap or mark must be  
25 no less than three feet and no more than five feet, six inches  
26 above the ground. Posts so capped or marked must be placed no  
27 more than thirty-six feet apart and must be readily visible  
28 to any person approaching the property. Prior to applying a  
29 cap or mark which is visible from both sides of a fence shared  
30 by different property owners, lessee, or others in lawful  
31 possession, all such owners, lessees, or others in lawful  
32 possession shall concur in the decision to apply a cap or mark  
33 to the fence.

34 d. Paragraph "c" shall not be construed to authorize an  
35 owner, lessee, or other person in lawful possession of any

1 property to place any purple marks or caps on any tree or post  
2 or to install any post or fence if doing so would violate  
3 any applicable law, rule, ordinance, order, covenant, bylaw,  
4 declaration, regulation, restriction, or instrument.

5 e. Paragraph "c" does not apply to real property located in  
6 a city with a population of more than sixty thousand.

7 f. Prior to July 1, 2019, notice provided by the method  
8 described in paragraph "c" is not effective unless notice is  
9 also provided by a method described in paragraph "a" or "b".  
10 This paragraph "f" is repealed July 1, 2019.>

11 2. Page 1, after line 28 by inserting:

12 <Sec. \_\_\_\_\_. DISSEMINATION OF INFORMATION REGARDING  
13 MARKING PROCEDURES. The departments of agriculture and land  
14 stewardship and natural resources shall conduct an information  
15 campaign for the public concerning the implementation and  
16 interpretation of section 716.7, subsection 4, paragraph  
17 "c". The information shall inform the public about the  
18 marking requirements, including information regarding the size  
19 requirements of the markings as well as the manner in which  
20 the markings must be placed. The departments of agriculture  
21 and land stewardship and natural resources shall also include  
22 information that, prior to July 1, 2019, any owner, lessee, or  
23 other person in lawful possession who chooses to place purple  
24 markings or caps on such person's property, must also comply  
25 with one of the other notice requirements listed in section  
26 716.7, subsection 4. The departments of agriculture and land  
27 stewardship and natural resources may prepare a brochure,  
28 disseminate the information through agency internet sites, or  
29 collaborate with nongovernmental organizations to assist in the  
30 dissemination of the information.>

31 3. Title page, line 1, after <Act> by inserting <relating  
32 to criminal trespass,>

33 4. Title page, line 1, after <trespassing> by inserting <,  
34 and including applicability provisions>

35 5. By renumbering as necessary.

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JAKE CHAPMAN