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STATE REGULATION OF WATERCRAFT AND WATER NAVIGATION

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State Regulation of Watercraft and Water Navigation



I. Introduction

This Legislative Guide provides an overview of watercraft and water navigation regulations in Iowa. The Guide discusses licenses and permits required to operate vessels on public waters and ice, navigation rules, operational and safety equipment requirements, registrations, titles, accident reports, prohibitions, penalties, and fees. Unless otherwise indicated, Iowa Code references in this Legislative Guide are to the 2014 Iowa Code. References to the Iowa Administrative Code are current through October 2014.

II. Administration and Enforcement — Jurisdiction

The Department of Natural Resources (DNR) is an executive agency charged with the responsibility for administering and enforcing the water navigation laws of the state. The Natural Resource Commission (Commission) consists of seven members appointed by the Governor and has the authority to make rules and oversee the enforcement of the water navigation laws pursuant to Iowa Code chapter 462A.

The jurisdiction of the DNR and the Commission relating to the public waters of this state includes the preservation of each body of water, its bed, waters, ice, and banks within the territorial limits of the state and the marginal river areas adjacent to the state, such as the Big Sioux River, the Missouri River, and the Mississippi River; the regulation of the waters' various uses; and the use, operation, and equipment of vessels and vehicles in or on the waters. This jurisdiction does not extend to farm ponds and privately owned lakes.¹

III. Public Use of Waters — Underlying Land — Ice

Water occurring in a river, stream, or creek having definite banks and bed with visible evidence of the flow of water is considered flowing surface water and as such is public water of the state and is subject to use by the public for navigation purposes.

Land underlying the flowing surface water is held subject to a trust for the public use of the water flowing over it. The use of the water is subject to the same rights, duties, limitations, and regulations that apply to a meandered stream or other stream deemed navigable for commercial purposes and to reasonable use by the owner of the land lying under and next to the flowing surface water.²

There are also laws and regulations which apply when public waters are frozen. Except for motor vehicles licensed under Iowa Code chapter 321 for public highway use, snowmobiles licensed under Iowa Code chapter 321G, or all-terrain vehicles, off-road motorcycles, or off-road utility vehicles registered under Iowa Code chapter 321I, a vehicle is not authorized to operate on a public ice surface without a permit from the department. All vehicles used on ice must be operated in a reasonable manner and, except for special events or races, shall not be operated at a rate of speed greater than is reasonable or proper under all existing circumstances. A permit issued may be suspended or revoked by

¹ Iowa Code §§455A.5, 462A.2(45), 462A.3.

² Iowa Code §462A.69.



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the Commission if a craft or vehicle is operated in a careless manner which endangers others. A violation of this provision is punishable by a scheduled fine of \$20.³

A motor vehicle may not be operated in a portion of a meandered stream, any portion of the bed of a nonmeandered stream identified as a navigable stream, or any portion of a stream identified as a trout stream. This prohibition does not apply to the use of ford crossings of public or private roads, ford crossings used for agricultural equipment, the operation of construction equipment in a streambed, or the use of motor vehicles on ice.⁴

IV. Registration and Numbering of Vessels

Each vessel operated on the public waters of this state (i.e., waters under the jurisdiction of the Commission) must be registered every three years with the Commission through the county recorder in the county where the owner resides or, in the case of a nonresident, in the county where the vessel is principally used. The Commission maintains an electronic system for the registration of vessels and establishes forms and procedures for the registration of all vessels. If the county recorder is not satisfied as to the ownership of the vessel or that there are no undisclosed security interests in the vessel, the county recorder may, as a condition of issuing a registration certificate, require the applicant to file a bond as assurance of ownership.⁵

The county recorder issues a pocket-size registration certificate for each vessel and maintains an electronic record of each registration certificate issued. The certificate includes the registration number for the vessel, the passenger capacity of the vessel, and the name and address of the owner. The registration certificate is to be carried in the vessel or on the person of the vessel operator when in use. An exemption is provided for a vessel which is a nonpowered sailboat, nonpowered canoe, or commercial vessel. The registration certificate for nonpowered sailboats or canoes or commercial vessels may be kept on shore. The operator shall exhibit the certificate to a peace officer upon request, or to the owner or operator of a vessel or personal property when the vessel is involved in an occurrence.

On all vessels except nonpowered sailboats, the identification number must be painted or otherwise displayed on each side of the vessel's bow. On nonpowered vessels, the number may be placed at alternate locations determined by the Commission. The passenger capacity of a vessel must also be prominently displayed at a location other than the bow. The identification numbering system is to conform with the federal numbering system.⁶

Violations of registration and identification provisions are punishable by a scheduled fine of \$10.⁷

³ Iowa Code §§462A.33, 805.8B(1)(b).

⁴ Iowa Code §462A.34A. Also see Iowa Code §462A.69. Certain navigable streams have been designated as meandered streams and the state has jurisdiction of the surface waters and streambeds.

⁵ Iowa Code §§462A.5, 462A.5A.

⁶ Iowa Code §462A.5(1).

⁷ Iowa Code §805.8B(1)(a).

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V. Registration Fees

Vessel registration fees are for three years for unregistered vessels and registration renewals and are based on the length of a vessel as follows:⁸

• Any length without motor or sail.....	\$ 12.00
• Motorboats and sailboats less than 16 feet.....	22.50
• Motorboats and sailboats 16 feet or more but less than 26 feet	36.00
• Motorboats and sailboats 26 feet or more but less than 40 feet	75.00
• Motorboats or sailboats 40 feet or more	150.00
• All personal watercraft	45.00

When unregistered vessels are registered after May 1 of the three-year registration period, the registration fee is reduced to two-thirds or one-third, as applicable, of the appropriate registration fee. A delinquency fee of \$5 is charged for renewal of a registration after April 30 of the last calendar year of the registration period.⁹

In addition to the registration fee, a writing fee of \$1.25 is payable to the county recorder when the registration is issued. If a new registration or a duplicate registration is requested by an owner, a fee of \$1 plus the writing fee of \$1.25 is charged. A change in the name or address of the owner may be made without additional cost.¹⁰

VI. Federal Marine Document — Fees

A vessel which has a valid marine document issued by the federal Bureau of Customs must be registered every three years with the county recorder. If the vessel bears the identification required in the documentation, the state documentation number is not required to be displayed on the vessel. The fee for registration is \$25 plus the writing fee of \$1.25.¹¹

VII. Exemption — Registration and Capacity Numbers

A. Exemption From Registration

The following vessels are not required to be registered in this state:¹²

- A vessel registered in another state pursuant to a federally approved numbering system if the vessel has not been within this state for more than 60 days within a calendar year.
- A foreign vessel temporarily using the navigable waters of the United States or of this state.

⁸ Iowa Code §462A.5(3).

⁹ Iowa Code §462A.5(3).

¹⁰ Iowa Code §§462A.5(4), 462A.53.

¹¹ Iowa Code §462A.5(6).

¹² Iowa Code §462A.6.



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- A public vessel of the United States, a state, or political subdivision of a state which is used for enforcement, search and rescue, or official research and studies, and is not used for recreational or commercial purposes.
- A ship's lifeboat.
- A type of vessel which would be exempt from numbering if it were subject to federal law and the numbering or registration will not materially aid in its identification.
- An air mattress, inner tube, or other toy or beach-type item being used in a recognized swimming area. For a natural lake or reservoir, a beach or swimming area may not extend more than 300 feet from shore.
- An inflatable nonpower or nonsail vessel which is seven feet or less in length, or a conventional design canoe or kayak-type vessel which is 13 feet or less in length.

B. Exemption From Display Requirements

The following vessels are exempt from displaying a registration number and a passenger capacity number:¹³

- Authentically constructed Native American-styled craft including birchbark canoes, dugout canoes, competitive racing shells, reed boats, and skin-covered canoes or boats.
- Historically styled craft such as keel boats used only during historic recreations or public demonstrations.
- Vessels which have a valid marine document issued by the United States Coast Guard if the vessel bears the identification required in the document.
- Sailboards, except that the registration decal must be attached to the bottom surface of the bow.

VIII. Occurrences Involving Vessels — Duty to Assist and Report — Penalties

When a vessel is involved in an occurrence, such as an accident or collision, that results in personal property damage or the injury or death of a person, the operator of that vessel is required to render such assistance and aid as is practicable and necessary to help other persons affected by the occurrence without endangering the operator's own vessel, crew, or passengers.¹⁴ The operator is also required to provide the operator's name, address, and vessel identification in writing to any person who is injured or whose property is damaged as a result of the occurrence.¹⁵

Failure of a vessel operator to render aid and assistance is a crime, punishable by increasingly severe penalties based on the circumstances of the occurrence.¹⁶

¹³ Iowa Code §462A.6A.

¹⁴ Iowa Code §462A.7(1).

¹⁵ Iowa Code §462A.7(1).

¹⁶ Iowa Code §462A.7(5).

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Failure to offer assistance in the event of an occurrence resulting only in property damage is punishable as a simple misdemeanor.¹⁷ A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$65 but not more than \$625 or by both.¹⁸

Failure to offer assistance in the event of an occurrence resulting in injury to a person is punishable as a serious misdemeanor.¹⁹ A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1,875.²⁰

Failure to offer assistance in the event of an occurrence resulting in serious injury to a person is punishable as an aggravated misdemeanor.²¹ An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$625 but not more than \$6,250.²²

Failure to offer assistance in the event of an occurrence resulting in the death of a person other than the operator is punishable as a class "D" felony.²³ A class "D" felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500.²⁴

In addition, the operator of a vessel involved in an occurrence must file a report with the Commission if the occurrence resulted in personal injury or death, or in property damage exceeding \$2,000. When an occurrence resulted in a death, disappearance, or personal injuries requiring medical treatment by a licensed health care provider, the report must be submitted within 48 hours of the occurrence and in all other cases, within five days of the occurrence.²⁵

A report submitted by a vessel operator is for the confidential use of the DNR but upon request the department must disclose the identities of the persons on board the vessels involved in the occurrence and their addresses and provide a copy of the report to the person who made and filed the report.²⁶ Written reports of occurrences filed by law enforcement officers are confidential to the same extent as other peace officers' investigative reports but are available to any party to an occurrence involving a vessel, the party's insurance company or agent, or the party's attorney, upon payment of a fee.²⁷

¹⁷ Iowa Code §462A.7(5)(a).

¹⁸ Iowa Code §903.1.

¹⁹ Iowa Code §462A.7(5)(b).

²⁰ Iowa Code §903.1.

²¹ Iowa Code §462A.7(5)(c).

²² Iowa Code §903.1.

²³ Iowa Code §462A.7(5)(d).

²⁴ Iowa Code §902.9.

²⁵ Iowa Code §462A.7(2).

²⁶ Iowa Code §462A.7(4).

²⁷ Iowa Code §462A.7(4).



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IX. Classification of Vessels — Required Equipment

A. Vessel Classes

There are four classes of vessels in this state with varying equipment requirements. The classes are as follows:²⁸

- Class I — Vessels less than 16 feet in length.
- Class II — Vessels 16 feet or more but less than 26 feet in length.
- Class III — Vessels 26 feet or more but less than 40 feet in length.
- Class IV — Vessels 40 feet or more in length.

B. Lighting Requirements

All vessels, from sunset to sunrise, are required to display lights when operating as specified below and as otherwise required by rules or regulations of the Commission, or, for motorboats, to use the international lighting system approved by the United States Coast Guard. Violations for unused, improper, or defective lighting equipment are punishable by a scheduled fine of \$10 or \$20.²⁹

1. For Class I and II Motorboats

a. A bright white light aft to show all around the horizon.

b. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard (right side of the vessel) and red to port (left side of the vessel), and fixed to throw the light from directly ahead to two points abaft (rearward) the beam on their respective sides.

2. For Class III and IV Motorboats

a. A bright white light near the bow to provide an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel.

b. A bright white light aft to show all around the horizon and higher than the white light forward.

c. A green light on the starboard side (right side) constructed to show an unbroken light over an arc of the horizon of 10 degrees of the compass, so fixed as to throw the light from directly ahead to two points abaft (rearward) the beam on the starboard side. A red light on the port side (left side) constructed to show an unbroken light over an arc of the horizon of 10 degrees of the compass, so fixed as to throw the light from directly ahead to two points abaft (rearward) the beam on the port side. The two lights shall be fitted with inboard screens of sufficient height to prevent the lights from being seen across the bow.

3. For Sailboats

Class I and II vessels, when propelled by sail alone, must show the combined lantern in the fore part of the vessel but not the white light aft. Class III and IV vessels,

²⁸ Iowa Code §462A.9(1).

²⁹ Iowa Code §§462A.9(2),(3), 805.8B(1)(a),(b).

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when propelled by sail alone, must show the colored side lights, suitably screened, but not the white lights in the fore and aft of the vessels.

4. Visibility Requirements

For all vessels required to show lights, white lights must be visible on a dark night with clear atmosphere at a distance of at least two miles and colored lights must be visible at a distance of at least one mile.

C. Whistle and Bell Requirements

Each motorboat of Class II, III, and IV must have an efficient whistle or other sound-producing appliance and motorboats of Class III and IV must also have an efficient bell.³⁰ Violations for unused, improper, or defective warning devices are punishable by a scheduled fine of \$10.³¹

D. Safety Equipment

Each vessel must carry one readily accessible life preserver or similar device for each passenger. Exceptions are provided for racing shells while used in the sport of sculling and for sailboards while used for windsurfing.³²

Each motorboat must carry the appropriate number, size, and type of fire extinguishers capable of extinguishing burning gasoline. However, vessels powered by outboard motors of 10 horsepower or less are exempt from this requirement. Motorboats, except outboard motorboats, must also be equipped with carburetors with an efficient flame arrestor, backfire trap, or similar device.³³ Violations for unused, improper, or defective safety equipment are punishable by a scheduled fine of \$10 or \$20.³⁴

An owner of a personal watercraft equipped with a cut-off switch is required to maintain the emergency cut-off engine stop switch and the accompanying cut-off switch lanyard in an operable, fully functional condition.³⁵ A violation of this requirement is punishable by a scheduled fine of \$20.³⁶ An operator of a personal watercraft must attach the cut-off switch lanyard to the operator's person while the engine is running and the personal watercraft is in use.³⁷ A violation of this requirement is punishable by a scheduled fine of \$25.³⁸

E. Exhaust Muffler

The exhaust of each motorboat must be effectively muffled to limit the total vessel noise to a reasonable level.³⁹ For motorboat engines manufactured before January 1,

³⁰ Iowa Code §462A.9(4),(5).

³¹ Iowa Code §805.8B(1)(a).

³² Iowa Code §462A.9(6).

³³ Iowa Code §462A.9(7),(9).

³⁴ Iowa Code §805.8B(1)(a),(b).

³⁵ Iowa Code §462A.9(13).

³⁶ Iowa Code §805.8B(1)(b).

³⁷ Iowa Code §462A.12(14).

³⁸ Iowa Code §805.8B(1)(c).

³⁹ Iowa Code §462A.11.



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1993, the engine shall not exceed a noise level of 90 decibels and for motorboat engines manufactured on or after January 1, 1993, the engine shall not exceed a noise level of 88 decibels on the “A” scale when subjected to a stationary sound level test. An engine shall not exceed a noise level of 75 decibels on the “A” scale when measured by a shoreline sound level test.⁴⁰ The use of cutouts on mufflers is prohibited except during motorboat races and during trial runs conducted between 8:00 a.m. and 6:00 p.m. during the day preceding the race.⁴¹ Violations for unused, improper, or defective muffling devices are punishable by a scheduled fine of \$20.⁴²

X. Vessels for Hire — Inspections and Operation

A boat livery must keep a record of the name and address of each person hiring a vessel, the identification number, departure date and time, and the expected time of return. Each rented vessel must be properly equipped for safety and fire protection.⁴³

Each vessel hired or offered for hire upon any waters of this state under the jurisdiction of the Commission may be inspected at any time by representatives of the Commission or by any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws. The purpose of the inspection is to determine the safety and seaworthiness of the vessel, including all machinery, equipment, and appurtenances. A private vessel may also be inspected at any time to determine its seaworthiness.⁴⁴

XI. Suspension or Revocation of Registration

Any officer appointed by the Commission may for cause temporarily suspend the registration certificate of any vessel, and the Commission shall, after due hearing, make a final determination in the matter.⁴⁵

The Commission is required to revoke the registration certificate of any vessel and the owner’s or operator’s privilege to operate a vessel for hire or commercial vessel upon receiving a record of such owner’s or operator’s final conviction of any of the following offenses:⁴⁶

- Manslaughter resulting from the operation of a vessel.
- Operating a motorboat or sailboat while intoxicated or manipulating water skis, a surfboard, or a similar device while intoxicated or under the influence of a narcotic drug.
- Failure to stop and render aid as required by Iowa Code chapter 462A when an occurrence involving a vessel results in death or personal injury.

⁴⁰ Iowa Admin. Code 571-43.2.

⁴¹ Iowa Code §462A.11.

⁴² Iowa Code §805.8B(1)(b).

⁴³ Iowa Code §462A.10.

⁴⁴ Iowa Code §462A.20.

⁴⁵ Iowa Code §462A.23(1).

⁴⁶ Iowa Code §462A.23(2).



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- Perjury or making of a false affidavit or statement under oath relating to the ownership or operation of a vessel.

The Commission may suspend the registration certificate of any vessel and the owner's or operator's privilege to operate a vessel for hire or commercial vessel upon a showing that the owner or operator:⁴⁷

- Committed an offense for which mandatory revocation of the registration certificate or of the privilege to operate a vessel for hire or commercial vessel is required upon conviction.
- Is a habitual reckless or negligent operator of a vessel for hire or commercial vessel.
- Is incompetent to operate a vessel for hire or commercial vessel.
- Has permitted an unlawful or fraudulent use of the registration certificate.

A person who owns or operates a vessel and allows the vessel to be occupied by more passengers and crew than the registration capacity permits may be punished with a scheduled fine of \$25.⁴⁸ An owner or operator of a vessel for hire or commercial vessel operated upon the waters of this state under the jurisdiction of the Commission who permits the vessel to be occupied by more passengers and crew than the registration capacity allows or continues to operate such a vessel after the person's privilege to operate the vessel has been revoked is guilty of a serious misdemeanor. A serious misdemeanor is punishable by a fine of at least \$315 but not to exceed \$1,875 and imprisonment not to exceed one year.⁴⁹

XII. Vessel Registration Fees — Appropriation of Revenues

A manufacturer or dealer who owns, stores, repairs, or alters a vessel required to be registered may operate the vessel for purposes of transporting, testing, demonstrating, or selling the vessel without registration and registering the vessel, but shall purchase a special certificate for each vessel operated for such purposes. The fee for the special certificate is \$15 per registration period and an additional \$2 for each duplicate certificate. The special certificate must be displayed on the vessel. If a manufacturer or dealer has a place of business in more than one city, a separate certificate is required for each business. The certificate expires at midnight on April 30 of the last calendar year of the registration period.⁵⁰

Upon transfer of ownership of a vessel, the owner must complete the form on the back of the registration certificate and deliver it to the purchaser or transferee when delivering the vessel. A registration must be valid for the current registration period before the registration can be transferred to a new owner. If a vessel has an expired registration at

⁴⁷ Iowa Code §462A.23(3).

⁴⁸ Iowa Code §§462A.24, 805.8B(1)(c).

⁴⁹ Iowa Code §§462A.25, 903.1(1).

⁵⁰ Iowa Code §§462A.35, 462A.36, 462A.38-462A.41.



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the time of transfer, the transferee must pay all applicable fees for the current registration period, the appropriate writing fee, and a \$5 penalty before a transfer of number is awarded in the same manner as for an original registration. All penalties collected are forwarded by the Commission to the Treasurer of State for deposit in the State Fish and Game Protection Fund and are appropriated to the Commission to be used for the administration and enforcement of navigation laws and water safety.⁵¹

Within 30 days of the purchase or transfer of a vessel, the purchaser must file a new application form with the county recorder with an application fee of \$1 and a writing fee of \$1.25. The owner of a vessel must show satisfactory evidence that the sales or use tax has been paid before the county recorder issues a registration certificate. If the purchaser is a dealer who holds the vessel for resale, a new registration certificate is not required. Upon purchase of a vessel registered in this state, the dealer is required to issue a signed receipt to the previous owner. Upon sale of a vessel by a manufacturer or dealer, the purchaser may operate the vessel for 35 days under a temporary “registration applied for” certificate.⁵²

Registration fees are transferred monthly by the county recorder to the Commission and credited to the State Fish and Game Protection Fund to be used for enforcement of navigation laws and water safety.⁵³ Any increase in revenues received on or after July 1, 2007, but on or before June 30, 2023, as a result of fee increases enacted in 2005 is to be used for programs to control aquatic invasive species and for enforcement of navigation laws and water safety upon the inland waters of the state. In addition, the Commission is required to submit an annual report to the General Assembly summarizing the activities of the DNR in administering and enforcing programs to control aquatic invasive species and administering and enforcing navigation laws and water safety upon the inland waters of the state.⁵⁴ Writing fees are paid by the county recorder to the office of the county treasurer and credited to the county general fund.⁵⁵

XIII. Inspection Authority

An officer of the Commission or any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws may inspect and board any vessel being launched, operated, or moored on the waters of this state to the extent necessary to determine whether the vessel is properly registered, numbered, and equipped. If a deficiency is found, a deficiency order or citation may be issued directing the owner or operator of the vessel to correct the deficiency and provide proof of compliance to the Commission within 14 days. If an inspection deficiency order is issued, the affected vessel shall cease operations on public waters until each deficiency cited has been corrected.⁵⁶

⁵¹ Iowa Code §462A.43.

⁵² Iowa Code §§462A.44-462A.51, 462A.53, 462A.55.

⁵³ Iowa Code §462A.52(1).

⁵⁴ Iowa Code §462A.52(2),(3).

⁵⁵ Iowa Code §462A.54.

⁵⁶ Iowa Code §§462A.66-462A.68.

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XIV. Certificate of Title — Fees — Security Interest

The owner of a vessel 17 feet or longer, principally used on the waters of this state, and subject to registration and numbering by the department is required to apply to the county recorder of the county where the owner resides for a certificate of title. The application must include the gross price or fair market value of the vessel, information of previous registration or title in another state or foreign country, and other required information, and be signed and sworn to before a notarial officer.⁵⁷

The fee for a certificate of title, a duplicate, or a corrected certificate of title is \$5. In addition, a surcharge of \$5 is also required. The \$5 fee is credited to the county general fund to be used for expenses of the county conservation board if one exists in that county. The surcharge is credited to the State General Fund.⁵⁸

A fee is not required if the ownership of a vessel is transferred by operation of law (i.e., inheritance, bankruptcy, replevin, or execution sale), or the title is canceled by delivery of the title to the county recorder when the vessel is documented by the U.S. Coast Guard. A lienholder who repossesses and holds a vessel for resale must obtain a new certificate of title for the vessel and pay the required fee.⁵⁹

A security interest in a vessel is not perfected until the security interest is noted on the certificate of title and in the electronic record maintained by the recorder's office. An application for a security interest must be presented with a fee of \$5 to the county recorder. The fee is credited to the county general fund. Discharge of the security interest shall be noted on the certificate of title by the secured party and the title or notice of cancellation of the security interest shall be sent to the county recorder, who shall note the cancellation in the county records.⁶⁰

XV. Vessel Operations — General Prohibitions

All of the following are prohibited under Iowa law:⁶¹

- Operating a vessel or manipulating water skis, surfboards, or similar devices in a reckless, careless, or negligent manner that endangers the life, limb, or property of any person.
- Littering cans, bottles, garbage, rubbish, or other debris onto or in public waters, ice, or land.
- Using a blue light or flashing blue light on a vessel unless the vessel is an emergency vessel.

⁵⁷ Iowa Code §462A.77. The certificate of title is required on vessels purchased on or after January 1, 1988. However, the title requirement does not apply to canoes, kayaks, or inflatable vessels regardless of their length or to vessels that are documented by the U.S. Coast Guard.

⁵⁸ Iowa Code §462A.78.

⁵⁹ Iowa Code §462A.82.

⁶⁰ Iowa Code §462A.84.

⁶¹ Iowa Code §§462A.12, 462A.15.



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- Operating a vessel in an area affected by a national disaster or where a search and rescue operation is being conducted unless authorized to do so by the officer in charge.
- Operating a vessel in a manner which unreasonably interferes with the free and proper navigation of the public waters. Anchoring under a bridge, in a heavily traveled channel, in a lock chamber, or near the entrance to a lock may constitute such interference if unreasonable under the circumstances.
- Operating a vessel in violation of restrictions posted on state-approved buoys or signs marking an area.
- Operating a vessel equipped with an engine exceeding the authorized horsepower for the vessel.
- Leaving an unattended vessel near or blocking a public dock used for loading and unloading vessels.
- Operating a vessel within 50 feet of a diver's flag.
- Operating a personal watercraft between sundown and sunup.
- Chasing or harassing animals while operating a personal watercraft or motorboat.
- Operating a vessel on waters under the Commission's jurisdiction unless every person on board under 13 years of age is wearing a specified personal flotation device.
- Operating a vessel which is towing a person on water skis, a surfboard, or a similar device without a responsible person, in addition to the operator, observing the progress of the person being towed.

A violation of any of these provisions is punishable by a scheduled fine of \$25.⁶²

XVI. Vessel Operation by Minors — Special Restrictions

When operating a vessel propelled by a motor of more than 10 horsepower, Iowa law specifically prohibits all of the following:⁶³

- An owner or operator from allowing any person under 12 years of age to operate the vessel unless accompanied in or on the same vessel by a responsible person at least 18 years of age who is experienced in motorboat operation.
- A person who is 12 years of age or older but less than 18 years of age from operating such a vessel unless the person has successfully completed a watercraft education course approved by the department and obtained a watercraft education certificate or is accompanied in or on the same vessel by a responsible person at least 18 years of age who is experienced in motorboat operation.

⁶² Iowa Code §805.8B(1)(c).

⁶³ Iowa Code §462A.12(6).

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- A person required to have a watercraft education certificate from failing to carry the certificate and exhibit it upon the request of an officer of the department. However, a person who is charged with violating this provision but produces a certificate in court, within a reasonable time, cannot be convicted of a violation of this provision.

A violation of any of these provisions is punishable by a scheduled fine of \$25.⁶⁴

XVII. Artificial Lakes and Marshes — Special Restrictions and Regulations

A. Artificial Lakes

A vessel shall be operated on an artificial lake under the jurisdiction of the Commission only under the following circumstances:⁶⁵

1. Motorboats

- On artificial lakes of 100 acres or less, battery-operated electric trolling motors are allowed. In addition, motors of unrestricted horsepower may be operated on some smaller artificial lakes specifically designated by the Commission but generally at a speed not greater than five miles per hour.⁶⁶
- On artificial lakes of more than 100 acres, vessels may be operated with motors of unrestricted horsepower at a speed not greater than five miles per hour. However, some larger artificial lakes specifically designated by the Commission have special regulations related to speed, horsepower, and distance between vessels.⁶⁷
- Lake Macbride in Johnson County is a public artificial lake of more than 100 acres on which the operation of a motorboat is specifically limited by statute. From May 20 through September 8 of each year, the operation of a motorboat on the lake is limited to a power unit of not more than 10 horsepower. A motorboat with a power unit exceeding 10 horsepower may be operated on the lake during the remainder of the year at a speed not greater than five miles per hour as designated by the Commission.⁶⁸

2. All Vessels

- A privately owned vessel on a public artificial lake must be kept only at locations designated by the Commission.⁶⁹

⁶⁴ Iowa Code §805.8B(1)(c).

⁶⁵ Iowa Code §462A.31; Iowa Admin. Code 571-45.4.

⁶⁶ Iowa Admin. Code 571-45.4(2).

⁶⁷ Iowa Admin. Code 571-45.4(3).

⁶⁸ Iowa Code §462A.31(1)(b); Iowa Admin. Code 571-45.4(3)(c).

⁶⁹ Iowa Code §462A.31(2).



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- A privately owned vessel on an artificial lake must be seaworthy for the waters on which the vessel is kept and used. Vessels must be removed from public artificial lakes whenever ordered by the Commission and not later than December 15 of each year.⁷⁰

3. Special Rules

- If an artificial lake is constructed by a political subdivision of the state, the political subdivision may request that the Commission adopt special rules for operation of watercraft on the new artificial lake.⁷¹
- A county conservation board may adopt special horsepower limits and no-wake speed regulations for artificial lakes under its jurisdiction. This authority does not extend to state-owned artificial lakes managed by county conservation boards.⁷²

B. Artificial Marshes

A motorboat equipped with any power unit may be operated on those artificial marshes under the jurisdiction of the Commission that are specifically designated by rule. Motorboats may be operated on such marshes at a speed not greater than five miles per hour between January 1 and August 31 and with no speed restrictions between September 1 and December 31.⁷³

XVIII. Removal of Nonpermanent Structures

Each structure which is not considered permanent or which is not excepted by the Commission must be removed from waters, ice, or land under state jurisdiction by December 15 of each year. If a nonconforming structure is not removed, the department may condemn the structure as a public nuisance.⁷⁴

A violation of this provision is punishable by a scheduled fine of \$15.⁷⁵

XIX. Aircraft Restrictions

An aircraft operated for hire may use the inland lakes for the transportation of persons or property between points that are more than 30 miles apart. This does not restrict the use of the inland lakes for emergency landings, by private aircraft not operated for hire, or for seaplane flight instruction in areas designated by the Iowa Department of Transportation.⁷⁶

XX. Rules for Buoys

A private buoy may be maintained and used in the public waters as authorized by the Commission. A private vessel may be moored at a waterway marker or public buoy only in

⁷⁰ Iowa Code §462A.31(3).

⁷¹ Iowa Code §462A.31(4).

⁷² Iowa Code §462A.31(4).

⁷³ Iowa Admin. Code 571-45.5.

⁷⁴ Iowa Code §§462A.27, 483A.32-483A.34.

⁷⁵ Iowa Code §805.8B(1)(d).

⁷⁶ Iowa Code §462A.30.

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an emergency. Only obstructions approved by the Commission may be kept in public waters under the jurisdiction of the Commission.⁷⁷

A vessel anchored away from shore and left unattended must be moored to a legal buoy.⁷⁸

A violation of any of these provisions is punishable by a scheduled fine of \$15.⁷⁹

XXI. Misdemeanor Penalties — Local Ordinances

Many violations of water navigation laws and rules adopted by the Commission are punishable by scheduled fines in varying amounts. Violations of water navigation laws and rules are punishable as simple misdemeanors if another penalty is not specifically provided.⁸⁰ A simple misdemeanor is punishable by a fine of at least \$65 but not more than \$625 or imprisonment for not more than 30 days.⁸¹ Juvenile offenders will be prosecuted as adults for violations which are punishable as simple misdemeanors.⁸²

Illegal operation of a commercial vessel without a permit or license or with more passengers than is authorized is a serious misdemeanor.⁸³ A serious misdemeanor is punishable by a fine of at least \$315 but not more than \$1,875, and the court may also order imprisonment for not more than one year.⁸⁴

Local ordinances governing the operation, equipment, numbering, and related matters affecting watercraft may be enforced if the ordinances are not inconsistent with state law and rules of the Commission.⁸⁵

If special conditions exist, a political subdivision may request that the Commission adopt special rules for a particular body of water. Public notice, published by the political subdivision, must specify the reasons for the request for special rules before the Commission takes action on the request.⁸⁶

XXII. Failure to Stop for Law Enforcement Vessels — Penalties

It is a crime for the operator of a vessel to elude or attempt to elude a pursuing law enforcement vessel. Penalties are increasingly severe based upon the attendant circumstances.⁸⁷

The operator of a vessel commits a serious misdemeanor if the operator willfully fails to bring the vessel to a stop or otherwise eludes or attempts to elude an authorized marked

⁷⁷ Iowa Code §462A.32.

⁷⁸ Iowa Code §462A.32(4).

⁷⁹ Iowa Code §805.8B(1)(d).

⁸⁰ Iowa Code §462A.13.

⁸¹ Iowa Code §903.1.

⁸² Iowa Code §462A.13.

⁸³ Iowa Code §462A.25.

⁸⁴ Iowa Code §903.1.

⁸⁵ Iowa Code §462A.17(1).

⁸⁶ Iowa Code §462A.17(2), (3).

⁸⁷ Iowa Code §462A.34B.



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law enforcement vessel operated by a uniformed peace officer or by a water patrol officer of the DNR after being given a visual and audible signal to stop. The signals required to be given by the officer are displaying a blue light or flashing blue and red lights and sounding a horn or siren.⁸⁸ A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1,875.⁸⁹

The operator of a vessel commits an aggravated misdemeanor in such a situation if in doing so the operator exceeds a reasonable speed.⁹⁰ An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$625 but not more than \$6,250.⁹¹

The operator of a vessel commits a class “D” felony in such a situation if in doing so the operator exceeds a reasonable speed and any of the following occurs: the operator is participating in a public offense, as such participation is defined in Iowa Code section 702.13, that is a felony; the operator is operating a motorboat or sailboat while intoxicated in violation of Iowa Code section 462A.14 or committing prohibited acts involving controlled substances in violation of Iowa Code section 124.401; or the operator’s violation results in bodily injury to a person other than the operator.⁹² A class “D” felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500.⁹³

XXIII. Motorboat or Sailboat Operation While Intoxicated

A. Prohibitions — Operating While Intoxicated (OWI)

A person commits the public offense of operating a motorboat or sailboat while intoxicated if the person operates a motorboat or sailboat on the navigable waters of this state⁹⁴ in any of the following conditions:⁹⁵

- While under the influence of an alcoholic beverage⁹⁶ or other drug or a combination of those substances.
- While having an alcohol concentration⁹⁷ of .08 or more.
- While any amount of a controlled substance⁹⁸ is present in the person, as measured in the person’s blood or urine.

When used in reference to a motorboat, “operate” means the motorboat is powered by a motor which is running and, when used in reference to a sailboat, means the sailboat is

⁸⁸ Iowa Code §462A.34B(1).

⁸⁹ Iowa Code §903.1.

⁹⁰ Iowa Code §462A.34B(2).

⁹¹ Iowa Code §903.1.

⁹² Iowa Code §462A.34B(3).

⁹³ Iowa Code §902.9.

⁹⁴ Iowa Code §462A.2(22),(45).

⁹⁵ Iowa Code §462A.14.

⁹⁶ Iowa Code §462A.2(2).

⁹⁷ Iowa Code §462A.2(1).

⁹⁸ Iowa Code §462A.2(8).

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either powered by a motor which is running or the sailboat is under way and has sails hoisted and is not propelled by a motor.⁹⁹

B. Penalties for Operating a Motorboat or Sailboat While Intoxicated

1. First Offense

For a first offense, a person commits a serious misdemeanor which is punishable by all of the following:¹⁰⁰

- Imprisonment in the county jail for not less than 48 hours, less credit for any time the person was confined in a detention facility following arrest.
- Assessment of a fine of \$1,000. However, if no personal injury or property damage occurred, up to \$500 may be waived by the court. The court may also order the person to perform unpaid community service in lieu of payment of all or a portion of the fine.
- Prohibition of operation of a motorboat or sailboat for one year pursuant to a court order.
- Assignment to substance abuse evaluation and treatment and a course for drinking drivers.

2. Second Offense

For a second offense, a person commits an aggravated misdemeanor which is punishable by all of the following:¹⁰¹

- Imprisonment in the county jail or a community-based correctional facility for not less than seven days.
- Assessment of a fine of not less than \$1,500 nor more than \$5,000.
- Prohibition of operation of a motorboat or sailboat for two years pursuant to a court order.
- Assignment to substance abuse evaluation and treatment and a course for drinking drivers.

3. Third or Subsequent Offense

For a third or subsequent offense, a person commits a Class “D” felony which is punishable by all of the following:¹⁰²

- Imprisonment in the county jail for a determinate sentence of not more than one year but not less than 30 days, or commitment to the custody of the Director of the Department of Corrections. The offender may be committed to a continuum of programming for the supervision and treatment of OWI violators by the Director of the Department of Corrections or to the judicial

⁹⁹ Iowa Code §462A.2(24).

¹⁰⁰ Iowa Code §462A.14(2)(a).

¹⁰¹ Iowa Code §462A.14(2)(b).

¹⁰² Iowa Code §462A.14(2)(c).



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district department of correctional services for an unpaid community service program.

- Assessment of a fine of not less than \$2,500 nor more than \$7,500.
- Prohibition of operation of a motorboat or sailboat for six years pursuant to a court order.
- Assignment to substance abuse evaluation and treatment and a course for drinking drivers.

C. Minimum Terms of Imprisonment

A minimum term of imprisonment in a county jail or a community-based correctional facility imposed for a second or subsequent offense must be served on consecutive days. However, if the court finds that service of the full minimum term on consecutive days would work undue hardship on the defendant or that there is insufficient jail space and sufficient jail space is not expected within four months after sentencing the defendant, the court may order the defendant to serve the minimum term in segments of at least 48 hours and to perform a specified number of hours of unpaid community service.¹⁰³

D. Determination of Second or Subsequent Offense

In determining if a violation charged is a second or subsequent offense for purposes of sentencing or license revocation, the following factors apply:¹⁰⁴

- Any conviction for operating a motorboat or sailboat while intoxicated within the previous 12 years is counted as a previous offense.
- A deferred judgment entered pursuant to Iowa Code section 907.3 for a violation applicable to operating a motorboat or sailboat while intoxicated is counted as a previous offense.
- A conviction or the equivalent of a deferred judgment for a violation in any other state under a statute substantially corresponding to the prohibition against the operation of a motorboat or sailboat while intoxicated in this state is counted as a previous offense. Each previous violation on which conviction or deferral of judgment was entered before the date of violation charged in this state is considered and counted as a separate previous offense.

E. Penalties for Operating a Motorboat or Sailboat While Intoxicated Resulting in Serious Injury or Death

1. Class “D” Felony

A person commits a Class “D” felony for operating a motorboat or sailboat while intoxicated if the offense results in serious injury to a person other than the defendant and the court determines that the person committing the offense caused the serious injury. The offense is punishable by imprisonment for a determinate sentence of not more than five years but not less than 30 days, or commitment to the custody of the Director of the Department of Corrections, and assessment of a fine of not less than

¹⁰³ Iowa Code §462A.14(3)(b).

¹⁰⁴ Iowa Code §462A.14(4).

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\$2,500 nor more than \$7,500. A person committed to the custody of the Director of the Department of Corrections shall be assigned to a facility for treatment of OWI violators.¹⁰⁵ The court must also order the defendant not to operate a motorboat or sailboat for one year in addition to any period of time the defendant would have been ordered not to operate if no serious injury had occurred in connection with the violation. The court must also assign the defendant to substance abuse evaluation and treatment and a course for drinking drivers.¹⁰⁶

2. Class “B” Felony

A person commits a Class “B” felony for operating a motorboat or sailboat while intoxicated if the offense results in the death of a person and the court determines the person committing the offense caused the death. The offense is punishable by imprisonment for a determinate sentence of not more than 25 years, or commitment to the custody of the Director of the Department of Corrections. A person committed to the custody of the Director of the Department of Corrections shall be assigned to a facility for treatment of OWI violators. The court must order the defendant not to operate a motorboat or sailboat for six years. The court must also assign the defendant to substance abuse evaluation and treatment and a course for drinking drivers.¹⁰⁷

F. Deferred Judgments or Sentences Restricted

The court is prohibited from deferring judgment or sentencing, or suspending execution of any mandatory minimum sentence of incarceration, and is prohibited from suspending execution of any other part of a sentence not involving incarceration applicable to a defendant convicted of operating a motorboat or sailboat while intoxicated if any of the following applies:¹⁰⁸

- If the defendant’s alcohol concentration established by results of an analysis of a specimen of the defendant’s blood, breath, or urine lawfully taken exceeds .15.
- If the defendant has previously been convicted of operating a motorboat or sailboat while intoxicated in this state or another state.
- If the defendant has previously received a deferred judgment or sentence for a conviction of operating a motorboat or sailboat while intoxicated in this state or another state.
- If the defendant refused to consent to testing requested by a law enforcement officer relating to operating a motorboat or sailboat while intoxicated.
- If the offense of operating a motorboat or sailboat while intoxicated results in bodily injury to a person other than the defendant.

¹⁰⁵ Iowa Code §904.513.

¹⁰⁶ Iowa Code §462A.14(2)(d).

¹⁰⁷ Iowa Code §462A.14(2)(e).

¹⁰⁸ Iowa Code §462A.14(3)(a).



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G. Prescription Drug Exclusion

A person cannot be convicted of operating a motorboat or sailboat while under the influence of a drug or controlled substance if the substance was prescribed by a medical practitioner or dispensed lawfully by a pharmacist and taken according to directions, if there is no evidence of the consumption of alcohol, and the medical practitioner or pharmacist had not directed the person to refrain from operating a motor vehicle, motorboat, or sailboat. When charged with a violation of operating a motorboat or sailboat while under the influence of a drug or controlled substance, a person may assert, as an affirmative defense, that the drug or controlled substance present in the person's blood or urine was prescribed or dispensed for the person and taken in accordance with the directions of a medical practitioner or pharmacist.¹⁰⁹

H. Victim Restitution

In addition to any penalty or fine imposed, the court is required to order a defendant to make restitution for damages to the victim resulting directly from the violation of operating a motorboat or sailboat while intoxicated pursuant to Iowa Code chapter 910. An amount paid pursuant to a restitution order is credited toward any adverse judgment in a subsequent civil proceeding arising from the same occurrence. However, a restitution proceeding is not given evidentiary or preclusive effect in a subsequent civil proceeding arising from the same occurrence.

The court may order restitution paid to any public agency for the costs of the emergency response resulting from a violation. The restitution cannot exceed \$500 per public agency for each emergency response.¹¹⁰

I. Other Competent Evidence Admissible

Any other competent evidence bearing on the question of whether a person was under the influence of an alcoholic beverage or a controlled substance or other drug, including the results of chemical tests of specimens of blood, breath, or urine obtained more than two hours after the person was operating a motorboat or sailboat, may be introduced in the court proceedings.¹¹¹

J. Substance Abuse Evaluations

The substance abuse evaluations required of a convicted defendant are completed at the defendant's expense. In addition to the evaluation and treatment required, the court must order the convicted defendant to follow the recommendations proposed for appropriate treatment. The court-ordered treatment is subject to periodic reporting as provided in Iowa Code section 125.86.

If the defendant is committed by the court to a substance abuse treatment facility, the administrator of the facility is required to report to the court when the defendant has received maximum benefit from the facility and the defendant must be released from the facility. The time for which the defendant is committed for treatment is credited against the defendant's sentence. The court may prescribe the length of time for the evaluation and

¹⁰⁹ Iowa Code §462A.14(7).

¹¹⁰ Iowa Code §462A.14(9).

¹¹¹ Iowa Code §462A.14(11).

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treatment or request that the program report to the court when the defendant has received maximum benefit from the program or has recovered from the defendant's addiction, dependency, or tendency to chronically abuse alcohol or drugs.

Upon successful completion of a course for drinking drivers or an ordered substance abuse treatment program, a court may place the defendant on probation for six months and, as a condition of probation, the defendant is required to attend a program providing posttreatment services relating to substance abuse.

A defendant committed for treatment who does not possess sufficient income or estate to pay the costs of the treatment in whole or in part is considered a state patient and the costs of treatment are paid as provided in Iowa Code section 125.44.

A defendant who does not carry out the order of the court is subject to confinement in the county jail for 20 days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service and will be placed on probation for one year. If this probation is violated, the violation is punishable as contempt of court.

In addition to any other condition of probation, a defendant must attend a program providing substance abuse prevention services or posttreatment services related to substance abuse. The defendant is required to report to the defendant's probation officer as ordered concerning proof of attendance at the assigned program. Failure to attend or complete the assigned program is a violation of probation and is punishable as contempt of court.

After a second or subsequent offense of operating a motorboat or sailboat while intoxicated, the court may commit the defendant for inpatient treatment of alcoholism or drug addiction or dependency to any hospital or facility in this state providing the appropriate treatment. The time for which the defendant is committed for treatment is credited against the defendant's sentence. A defendant committed for a second or subsequent offense who does not possess sufficient income or estate to pay for the treatment in whole or in part is considered a state patient and the treatment costs are paid as provided in Iowa Code section 125.44.¹¹²

XXIV. Implied Consent to Test for Intoxication — Procedures

A. Implied Consent to Test

A person who operates a motorboat or sailboat on the navigable waters in this state in a manner which gives a peace officer, including an officer of the DNR, reasonable grounds to believe that the person is intoxicated is deemed to give consent to withdrawal and chemical testing of the person's blood, breath, or urine without a warrant for the purpose of determining the alcohol concentration or presence of controlled substances or other drugs.¹¹³

¹¹² Iowa Code §462A.14(12),(13).

¹¹³ Iowa Code §462A.14A(1).



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B. Preliminary Testing

A peace officer may request a motorboat or sailboat operator to submit to a preliminary breath screening test if the peace officer has reasonable grounds to believe any of the following has occurred:

- The motorboat or sailboat operator may be operating or has been operating the motorboat or sailboat while intoxicated.
- The motorboat or sailboat has been involved in an accident resulting in injury or death.
- The motorboat or sailboat operator is or has been operating the motorboat or sailboat carelessly or recklessly.

The results of a preliminary breath screening test may be used to determine whether an arrest should be made or whether a chemical test of blood, breath, or urine should be requested. The results of a preliminary screening test cannot be used in a court action except to prove that a chemical test was properly requested.¹¹⁴

C. Chemical Testing

1. Request for Test

A peace officer may request, in writing, a motorboat or sailboat operator to submit to the withdrawal and testing of blood, breath, or urine if the peace officer has reasonable grounds to believe that the person was operating a motorboat or sailboat while intoxicated and any of the following conditions exist:¹¹⁵

- The peace officer has lawfully placed the person under arrest for operating a motorboat or sailboat while intoxicated.
- The motorboat or sailboat has been involved in an occurrence resulting in personal injury or death.
- The person has refused to take a preliminary breath screening test.
- The preliminary breath screening test was administered and indicated an alcohol concentration equal to or in excess of .08.
- The preliminary breath screening test was administered and indicated an alcohol concentration of less than .08 and the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug.

2. Type of Test — Procedures

The peace officer shall determine which of the three substances — breath, blood, or urine — shall be tested. A peace officer may take breath or urine samples, but only qualified medical personnel can take a blood sample.¹¹⁶

¹¹⁴ Iowa Code §462A.14A(2).

¹¹⁵ Iowa Code §462A.14A(3).

¹¹⁶ Iowa Code §462A.14A(4),(6).

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If the peace officer fails to offer the chemical test within two hours after the preliminary breath screening test is administered or refused, or the arrest is made, whichever occurs first, a chemical test is not required, and the person's motorboat or sailboat operation privileges shall not be suspended.

If the peace officer has reasonable grounds to believe that the person was under the influence of a drug other than alcohol, or a combination of alcohol and another drug, a urine test may be required even after a blood or breath test has been administered.

A person who is dead, unconscious, or otherwise incapable of consent or refusal is deemed not to have withdrawn consent and the test may be given if a licensed physician certifies in advance of the test that the person is dead, unconscious, or otherwise incapable of consent or refusal.¹¹⁷

D. Test Refusal

1. Suspension of Privileges

A person who has been asked to submit to a chemical test by a peace officer shall be advised that a refusal to submit to a chemical test of urine or breath lawfully requested will result in the suspension of the person's privilege to operate a motorboat or sailboat for at least one year. If the person is also convicted of operating a motorboat or sailboat while intoxicated, the person is subject to additional penalties applicable to the offense. However, the one-year suspension of operating privileges for refusal to submit to chemical testing shall run concurrently with any period of suspension of operating privileges ordered for operating while intoxicated.¹¹⁸

Refusal to submit to a chemical test of blood is not considered a refusal to submit to testing, but upon such a refusal, the peace officer shall offer a chemical test of urine or breath instead.¹¹⁹

2. Civil Penalties

Refusal to submit to a chemical test of urine or breath lawfully requested by a peace officer will also result in the imposition of mandatory civil penalties as follows:¹²⁰

- For a first refusal, \$500.
- For a second refusal, \$1,000.
- For a third or subsequent refusal, \$2,000.

If a person does not pay the mandatory civil penalty imposed by the time the one-year suspension of operating privileges ends, the court must extend the suspension of operating privileges for an additional year and may also impose penalties for contempt.¹²¹

¹¹⁷ Iowa Code §462A.14A(4)(f).

¹¹⁸ Iowa Code §462A.14B(2)(a),(5).

¹¹⁹ Iowa Code §462A.14A(4)(d).

¹²⁰ Iowa Code §462A.14B(2)(b).

¹²¹ Iowa Code §462A.14B(3).



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A court cannot defer judgment or sentencing, or suspend execution of an order or fine imposed for a person's refusal to submit to chemical testing.¹²²

E. Test Failure

If a person submits to a chemical test and the results indicate an alcohol concentration equal to or in excess of .08 and the person is convicted of operating a motorboat or sailboat while intoxicated, the person's motorboat or sailboat operating privileges will be suspended for at least one year and up to six years, depending on the number of previous convictions of the person and whether the person caused a serious injury or death. The suspension of operating privileges is in addition to any other sentence and fine imposed on the person for the violation.¹²³

F. Chemical Testing Pursuant to Search Warrant

A refusal to submit to a lawful request for chemical testing does not prohibit the withdrawal of a specimen for chemical testing if a motorboat or sailboat has been involved in an accident resulting in death or serious bodily injury, the peace officer has reasonable grounds to believe that the operator was operating the motorboat or sailboat while intoxicated at the time of the accident, and the peace officer has obtained a search warrant pursuant to Iowa Code chapter 808 or Iowa Code section 462A.14D to permit the withdrawal of a specimen for chemical testing. If a person knowingly resists or obstructs the withdrawal of a specimen pursuant to a search warrant, the person is guilty of contempt, which is punishable by a fine not exceeding \$1,000 or by imprisonment in a county jail not exceeding one year or by both the fine and imprisonment. The act of resisting or obstructing also constitutes a refusal to submit, subject to the penalties in Iowa Code section 462A.14B.¹²⁴

A search warrant requested under Iowa Code section 462A.14D may be based upon sworn oral testimony communicated by telephone if the magistrate is satisfied that the circumstances make it reasonable to dispense with a written affidavit.¹²⁵

XXV. Violations of Orders Not to Operate a Motorboat or Sailboat

A person who operates a motorboat or sailboat after the person has been ordered not to operate a motorboat or sailboat commits a serious misdemeanor, which is punishable with a jail term and a mandatory fine of \$1,000. In addition to the jail term and fine, the court is required to extend the period of suspension of operating privileges for an additional like period.¹²⁶

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¹²² Iowa Code §462A.14B(4).

¹²³ Iowa Code §462A.14A(4)(g).

¹²⁴ Iowa Code §§462A.14A(5), 462A.14D.

¹²⁵ Iowa Code §462A.14D.

¹²⁶ Iowa Code §462A.14E.