



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

May 23, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 828, an Act relating to aquatic regulations and activities, including aquatic invasive species, the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

The above House File is hereby approved this date.

Sincerely,

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 828

AN ACT

RELATING TO AQUATIC REGULATIONS AND ACTIVITIES, INCLUDING AQUATIC INVASIVE SPECIES, THE REGULATION AND REGISTRATION OF CERTAIN VESSELS, THE OPERATION OF CERTAIN VESSELS BY MINORS, INSPECTIONS OF CERTAIN VESSELS, THE OPERATION OF VESSELS FOR HIRE OR COMMERCIAL VESSELS, PROVIDING FOR PENALTIES, AND APPROPRIATING THE MONEYS COLLECTED FROM CERTAIN REGISTRATION FEE INCREASES TO THE STATE FISH AND GAME PROTECTION FUND.

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

Section 1. Section 455A.4, subsection 1, paragraph j, Code 2005, is amended by striking the paragraph.

Sec. 2. Section 456A.37, subsection 1, paragraph c, Code 2005, is amended to read as follows:

c. "Aquatic invasive species" means a species that is not native to an ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health including but not limited to habitat alteration and degradation, and loss of biodiversity. For the purposes of this section, "aquatic invasive species" are limited to Eurasian water milfoil, purple loosestrife, and zebra mussels, ~~except-as-provided-in-subsection-4~~ and those species identified as "aquatic invasive species" by the commission by rule.

Sec. 3. Section 456A.37, subsection 4, unnumbered paragraph 2, Code 2005, is amended to read as follows:

c. If the commission determines that an additional species should be defined as an "aquatic invasive species", the species ~~may~~ shall be defined by the commission by rule as an "aquatic invasive species" ~~subject-to-enactment-of-the~~

~~definition-by-the-general-assembly-at-the-next-regular-session of-the-general-assembly.--Failure-of-the-general-assembly-to enact-the-definition-pursuant-to-this-paragraph-constitutes-a nullification-of-the-definition-effective-upon-adjournment-of that-next-regular-session-of-the-general-assembly.~~

Sec. 4. Section 462A.5, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The owner of each vessel required to be numbered by this state shall register it every ~~two~~ three years with the county recorder of the county in which the owner resides, or, if the owner is a nonresident, the owner shall register it in the county in which such vessel is principally used. The commission shall have supervisory responsibility over the registration of all vessels and shall provide each county recorder with registration forms and certificates and shall allocate identification numbers to each county.

Sec. 5. Section 462A.5, subsection 1, Code 2005, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. A vessel that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

Sec. 6. Section 462A.5, subsection 3, Code 2005, is amended to read as follows:

3. The registration fees for vessels subject to this chapter are as follows:

a. For vessels of any length without motor or sail, five twelve dollars.

b. For motorboats or sailboats less than twelve sixteen feet in length, eight twenty-two dollars and fifty cents.

c. For motorboats or sailboats twelve sixteen feet or more, but less than fifteen twenty-six feet in length, ten thirty-six dollars.

~~d.--For-motorboats-or-sailboats-fifteen-feet-or-more,7-but less-than-eighteen-feet-in-length,7-twelve-dollars.~~

~~e.--For-motorboats-or-sailboats-eighteen--feet-or-more,7-but less-than-twenty-five-feet-in-length,7-eighteen-dollars.~~

~~f.~~ d. For motorboats or sailboats ~~twenty-five~~ twenty-six feet ~~in-length~~ or more, ~~twenty-eight~~ but less than forty feet in length, ~~seventy-five~~ dollars.

e. For motorboats or sailboats forty feet in length or more, one hundred fifty dollars.

f. For all personal watercraft, forty-five dollars.

Every registration certificate and number issued becomes delinquent at midnight April 30 of ~~odd-numbered-years~~ the last calendar year of the registration period unless terminated or discontinued in accordance with this chapter. After January 1 ~~in-odd-numbered-years, 2007,~~ an unregistered vessel and a renewal of registration may be registered for the ~~two-year~~ three-year registration period beginning May 1 of that year. ~~After-January-1-in-even-numbered-years~~ When unregistered vessels are registered after May 1 of the second year of the three-year registration period, such unregistered vessels may be registered for the remainder of the current registration period at fifty sixty-six percent of the appropriate registration fee. When unregistered vessels are registered after May 1 of the third year of the three-year registration period, such unregistered vessels may be registered for the remainder of the current registration period at thirty-three percent of the appropriate registration fee.

If a timely application for renewal is made, the applicant shall receive the same registration number allocated to the applicant for the previous registration period. If the application for registration for the ~~biennium~~ three-year registration period is not made before May 1 of ~~each-odd-numbered~~ the last calendar year of the registration period, the applicant shall be charged a penalty of five dollars.

Sec. 7. Section 462A.5, subsection 6, Code 2005, is amended to read as follows:

6. The owner of each vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto shall register it every ~~two~~ three years with the county recorder in the same manner prescribed for undocumented vessels and shall cause the registration validation decal to be placed on the vessel in the manner prescribed by the rules of the commission. When the vessel bears the identification required

in the documentation, it is exempt from the placement of the identification numbers as required on undocumented vessels. The fee for such registration is twenty-five dollars plus a writing fee.

Sec. 8. Section 462A.12, subsection 6, Code 2005, is amended to read as follows:

6. An owner or operator of a vessel propelled by a motor of more than ten horsepower shall not permit any person under twelve years of age to operate the personal-watercraft vessel unless accompanied in or on the same personal-watercraft vessel by a responsible person of at least eighteen years of age who is experienced in motorboat operation. ~~Commencing January-17-2003-~~a A person who is twelve years of age or older but less than eighteen years of age shall not operate any personal-watercraft vessel propelled by a motor of more than ten horsepower unless the person has successfully completed a department-approved watercraft safety course and obtained a watercraft safety certificate or is accompanied in or on the same vessel by a responsible person of at least eighteen years of age who is experienced in motorboat operation. A person required to have a watercraft safety certificate shall carry and shall exhibit or make available the certificate upon request of an officer of the department. A violation of this subsection is a simple misdemeanor as provided in section 462A.13. However, a person charged with violating this subsection shall not be convicted if the person produces in court, within a reasonable time, a department-approved certificate. The cost of a department certificate, or any duplicate, shall not exceed five dollars.

Sec. 9. Section 462A.20, Code 2005, is amended to read as follows:

462A.20 BOAT INSPECTION.

~~Any-person-having,~~ A vessel either for hire or offered for hire upon any waters of this state under the jurisdiction of the commission, ~~any vessel, either for hire or offered for hire, must have such vessel and all its appurtenances annually~~ 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.

~~Every such owner shall file in the office of the commission, an application for inspection of such vessels on a blank furnished by the commission for that purpose.~~

Officers appointed by the commission or any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws shall have the power and authority to determine whether such vessel is safe for the transportation of passengers or cargo and upon what waters it may be used. They may determine and designate the number of passengers or cargo, including crew, that may be carried and determine whether the machinery, equipment and all appurtenances are such as to make ~~said vessels~~ the vessel seaworthy, where used, and such other matters as are pertinent.

~~After such vessels have been inspected as provided herein, a current inspection seal or tag shall be issued by the commission and shall be kept posted in a conspicuous place upon or in such vessel. Any inspection seal or tag shall be in effect only for the calendar year for which the inspection seal or tag is issued.~~

Private vessels may also be inspected to determine their seaworthiness 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.

Sec. 10. Section 462A.23, subsection 1, Code 2005, is amended to read as follows:

1. Any officer appointed by the commission may, for cause, temporarily suspend the registration certificate of any vessel ~~and the license of a pilot or engineer,~~ that has been issued under this chapter, and the commission, after a due hearing on the matter at its next session, shall make final determination in the matter.

Sec. 11. Section 462A.23, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The commission shall forthwith revoke the registration certificate of any vessel and the ~~pilot's or engineer's license of the operator of such vessel~~ owner's or operator's privilege to operate a vessel for hire or commercial vessel, upon receiving a record of such owner or operator's conviction

of any of the following offenses, when such conviction has become final:

Sec. 12. Section 462A.23, subsection 3, Code 2005, is amended to read as follows:

3. The commission is hereby authorized to suspend the registration certificate of any vessel and the ~~pilot's or engineer's license of an operator~~ owner's or operator's privilege to operate a vessel for hire or commercial vessel upon a showing by its records that the owner or operator:

a. Has committed an offense for which mandatory revocation of the registration certificate or pilot's or engineer's license of the privilege to operate a vessel for hire or commercial vessel is required upon conviction.

b. Is a habitual reckless or negligent operator of a vessel for hire or commercial vessel.

c. Is incompetent to operate a vessel for hire or commercial vessel.

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

Sec. 13. Section 462A.25, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

462A.25 PENALTY.

If 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 permits such vessel to be occupied by more passengers and crew than the registration capacity allows or if a person continues to operate a vessel for hire or commercial vessel after the person's privilege to operate the vessel has been revoked, the person shall be guilty of a serious misdemeanor. The provisions of this section shall not apply to vessels registered or numbered by authority of the United States.

Sec. 14. Section 462A.39, Code 2005, is amended to read as follows:

462A.39 EXPIRATION DATE.

Each special certificate issued hereunder shall expire at midnight on April 30 of ~~each odd-numbered~~ the last calendar year of the registration period, and a new special certificate for the ensuing ~~biennium~~ registration period may be obtained

upon application to the commission and payment of the fee provided by law.

Sec. 15. Section 462A.52, Code 2005, is amended to read as follows:

462A.52 FEES REMITTED TO COMMISSION.

1. Within ten days after the end of each month, a county recorder shall remit to the commission all fees collected by the recorder during the previous month. Before May 10 ~~in odd-numbered years~~ of the registration period beginning May 1 of that year, a county recorder shall remit to the commission all unused license blanks for the previous ~~biennium~~ registration period. All fees collected for the registration of vessels shall be forwarded by the commission to the treasurer of the state, who shall place the money in a ~~special conservation~~ the state fish and game protection fund. The money so collected is appropriated to the commission solely for the administration and enforcement of navigation laws and water safety.

2. Notwithstanding subsection 1, any increase in revenues received on or after July 1, 2007, but on or before June 30, 2013, pursuant to this section as a result of fee increases pursuant to this Act, shall be used by the commission only for the administration and enforcement of programs to control aquatic invasive species and for the administration and enforcement of navigation laws and water safety upon the inland waters of this state and shall be used in addition to funds already being expended by the commission each year for these purposes. The commission shall not reduce the amount of other funds being expended on an annual basis for these purposes as of the effective date of this Act, during the period of the appropriation provided for in this subsection.

3. The commission shall submit a written report to the general assembly by December 31, 2007, and by December 31 of each year thereafter through December 31, 2013, summarizing the activities of the department 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. The report shall include information concerning the amount of revenues collected pursuant to this section as a result of fee increases pursuant

to this Act and how the revenues were expended. The report shall also include information concerning the amount and source of all other funds expended by the commission during the year for the purposes of 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 and how the funds were expended.

Sec. 16. Section 462A.53, Code 2005, is amended to read as follows:

462A.53 AMOUNT OF WRITING FEES.

A writing fee of one dollar and twenty-five cents for each transaction shall be collected by the county recorder. If two or more functions are transacted for the same vessel at one time, the writing fee is limited to one dollar and twenty-five cents.

Sec. 17. Section 462A.66, Code 2005, is amended to read as follows:

462A.66 INSPECTION AUTHORITY.

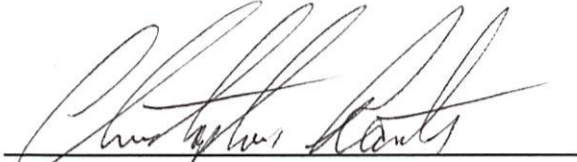
An officer of the commission or any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws may stop and inspect a vessel being launched, being operated, or being moored on the waters of this state under the jurisdiction of the commission to determine whether the vessel is properly registered, numbered, and equipped as provided under this chapter and rules of the commission. An officer may board a vessel in the course of an inspection if the operator is unable to supply visual evidence that the vessel is properly registered and equipped as required by this chapter and rules of the commission. The inspection shall not include an inspection of an area that is not essential to determine compliance with the provisions of this chapter and rules of the commission.

Sec. 18. Section 462A.77, subsection 1, Code 2005, is amended to read as follows:

1. Except as provided in subsection 3, an owner of a vessel seventeen feet or longer in length principally used on the waters of the state and to be numbered pursuant to section 462A.4 shall apply to the county recorder of the county in which the owner resides for a certificate of title for the vessel. The requirement of a certificate of title does not

apply to canoes, kayaks, or inflatable vessels regardless of length.

Sec. 19. Sections 462A.21 and 462A.22, Code 2005, are repealed.

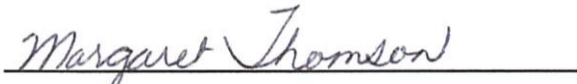


CHRISTOPHER C. RANTS
Speaker of the House



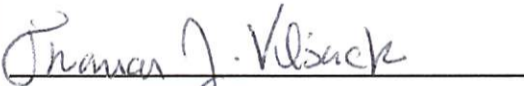
JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 828, Eighty-first General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved May 23, 2005



THOMAS J. VILSACK
Governor