

Senate File 78 - Enrolled

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SENATE FILE 78

AN ACT

RELATING TO VARIOUS CONSERVATION AND RECREATION ACTIVITIES
UNDER THE PURVIEW OF THE DEPARTMENT OF NATURAL RESOURCES,
MODIFYING FEES, MAKING PENALTIES APPLICABLE, AND MAKING
AN APPROPRIATION.

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

Section 1. Section 455A.17, subsection 1, Code 2007, is
amended to read as follows:

1. Biennially, during even-numbered years, the director
shall schedule and make the necessary arrangements for an Iowa
congress on resources enhancement and protection. The
congress shall be held within the state capitol complex ~~during~~
~~the summer months.~~

Sec. 2. Section 462A.2, Code 2007, is amended by adding
the following new subsections:

NEW SUBSECTION. 8A. "Cut-off switch" means an operable
factory-installed or dealer-installed emergency cut-off engine
stop switch that is installed on a personal watercraft.

NEW SUBSECTION. 8B. "Cut-off switch lanyard" means the
cord used to attach the person of the operator of a personal
watercraft to the cut-off switch.

Sec. 3. Section 462A.5, subsection 1, unnumbered
paragraphs 1 and 2, Code 2007, are amended to read as follows:

The owner of each vessel required to be numbered by this
state shall register it every three years with the commission
through 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 develop and maintain an electronic
system for the registration of vessels pursuant to this
chapter. The commission shall ~~have supervisory responsibility~~
~~over the registration of all vessels and shall provide each~~
~~county recorder with registration~~ establish forms and
certificates and shall allocate identification numbers to each
county procedures as necessary for the registration of all
vessels.

The owner of the vessel shall file an application for
registration with the appropriate county recorder on forms
provided by the commission. The application shall be
completed and signed by the owner of the vessel and shall be
accompanied by the appropriate fee, and the writing fee
specified in section 462A.53. Upon applying for registration,
the owner shall display a bill of sale, receipt, or other
satisfactory proof of ownership as provided by the rules of
the commission to the county recorder. 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 register the vessel but shall, as a
condition of issuing a registration certificate, require the
applicant to follow the procedure provided in section 462A.5A.
Upon receipt of the application in approved form accompanied
by the required fees, the county recorder shall enter it upon
the records of the recorder's office and shall issue to the
applicant a pocket-size registration certificate. The
certificate shall be executed in triplicate, one copy to be
delivered to the owner, one copy to the commission, and one
copy to be retained on file by the county recorder. The
registration certificate shall bear the number awarded to the
vessel, the passenger capacity of the vessel, and the name and
address of the owner. In the use of all vessels except
nonpowered sailboats, nonpowered canoes, and commercial
vessels, the registration certificate shall be carried either
in the vessel or on the person of the operator of the vessel
when in use. In the use of nonpowered sailboats, nonpowered
canoes, or commercial vessels, the registration certificate
may be kept on shore in accordance with rules adopted by the
commission. The operator shall exhibit the certificate to a
peace officer upon request or, when involved in ~~a collision or~~
~~an accident~~ an occurrence of any nature with another vessel or

3 4 other personal property, to the owner or operator of the other
3 5 vessel or personal property.

3 6 Sec. 4. Section 462A.5, subsection 3, unnumbered paragraph
3 7 2, Code 2007, is amended to read as follows:

3 8 Every registration certificate and number issued becomes
3 9 delinquent at midnight April 30 of the last calendar year of
3 10 the registration period unless terminated or discontinued in
3 11 accordance with this chapter. After January 1, 2007, an
3 12 unregistered vessel and a renewal of registration may be
3 13 registered for the three-year registration period beginning
3 14 May 1 of that year. When unregistered vessels are registered
3 15 after May 1 of the second year of the three-year registration
3 16 period, such unregistered vessels may be registered for the
3 17 remainder of the current registration period at ~~sixty-six~~
~~percent two-thirds~~ of the appropriate registration fee. When
3 19 unregistered vessels are registered after May 1 of the third
3 20 year of the three-year registration period, such unregistered
3 21 vessels may be registered for the remainder of the current
3 22 registration period at ~~thirty-three percent one-third~~ of the
3 23 appropriate registration fee.

3 24 Sec. 5. Section 462A.7, Code 2007, is amended to read as
3 25 follows:

3 26 ~~462A.7 COLLISIONS, ACCIDENTS AND CASUALTIES OCCURRENCES~~
3 27 ~~INVOLVING VESSELS.~~

3 28 1. The operator of a vessel involved in ~~a collision,~~
~~3 29 accident or other casualty an occurrence that results in~~
3 30 ~~personal property damage or the injury or death of a person,~~
3 31 shall, so far as possible without serious danger to the
3 32 operator's own vessel, crew, or passengers, render to other
3 33 persons affected by the ~~collision, accident or casualty,~~
3 34 ~~occurrence~~ such assistance as may be practicable and necessary
3 35 to save them from or minimize any danger caused by the
4 1 ~~collision, accident or other casualty occurrence.~~ The
4 2 operator shall also give the operator's name, address, and
4 3 identification of the operator's vessel in writing to any
4 4 person injured and to the owner of any property damaged in the
4 5 ~~collision, accident or other casualty occurrence.~~

4 6 2. Whenever any vessel is involved in ~~a collision,~~
~~4 7 accident or casualty an occurrence that results in personal~~
4 8 ~~property damage or the injury or death of a person,~~ except one
4 9 which results only in property damage not exceeding ~~five~~
~~4 10 hundred two thousand~~ dollars, a report ~~thereof of the~~
4 11 ~~occurrence~~ shall be filed with the commission. The report
4 12 shall be filed by the operator of the vessel and shall contain
4 13 such information as the commission may, by rule, require. The
4 14 report shall be submitted ~~without delay within forty-eight~~
4 15 ~~hours of the occurrence in cases that result in death, or~~
4 16 ~~disappearance cases, or personal injuries requiring medical~~
4 17 ~~treatment by a licensed health care provider,~~ and within five
4 18 days ~~of the occurrence~~ in all other cases.

4 19 3. Every law enforcement officer who, in the regular
4 20 course of duty, investigates an occurrence which is required
4 21 to be reported by this section, shall, after completing such
4 22 investigation, forward a report of such occurrence to the
4 23 commission.

4 24 4. a. All reports shall be in writing. A vessel
4 25 operator's report shall be without prejudice to the person
4 26 making the report and shall be for the confidential use of the
4 27 department. However, upon request the department shall
4 28 disclose the identities of the persons on board the vessels
4 29 involved in the occurrence and their addresses. Upon request
4 30 of a person who made and filed a vessel operator's report, the
4 31 department shall provide a copy of the vessel operator's
4 32 report to the requester. A written vessel operator's report
4 33 filed with the department shall not be admissible in or used
4 34 in evidence in any civil or criminal action arising out of the
4 35 facts on which the report is based.

5 1 b. All written reports filed by law enforcement officers
5 2 as required under subsection 3 are confidential to the extent
5 3 provided in section 22.7, subsection 5, and section 622.11.
5 4 However, a completed law enforcement officer's report shall be
5 5 made available by the department or the investigating law
5 6 enforcement agency to any party to ~~a boating accident,~~
5 7 ~~collision, or other casualty an occurrence involving a vessel,~~
5 8 the party's insurance company or its agent, or the party's
5 9 attorney on written request and payment of a fee.

5 10 5. Failure of the operator of any vessel involved in ~~a~~
~~5 11 collision, accident, or other casualty, an occurrence~~ to offer
5 12 assistance and aid to other persons affected by such
5 13 ~~collision, accident, or casualty occurrence,~~ as set forth in
5 14 this chapter, or to otherwise comply with the requirements of

5 15 subsection 1, is punishable as follows:

5 16 a. In the event of ~~a collision, accident, or other~~
5 17 ~~casualty an occurrence~~ resulting only in property damage, the
5 18 operator is guilty upon conviction of a simple misdemeanor.

5 19 b. In the event of ~~a collision, accident, or other~~
5 20 ~~casualty an occurrence~~ resulting in an injury to a person, the
5 21 operator is guilty upon conviction of a serious misdemeanor.

5 22 c. In the event of ~~a collision, accident, or other~~
5 23 ~~casualty an occurrence~~ resulting in a serious injury to a
5 24 person, the operator is guilty upon conviction of an
5 25 aggravated misdemeanor.

5 26 d. In the event of ~~a collision, accident, or other~~
5 27 ~~casualty an occurrence~~ resulting in the death of a person, the
5 28 operator is guilty upon conviction of a class "D" felony.

5 29 Sec. 6. Section 462A.9, Code 2007, is amended by adding
5 30 the following new subsection:

5 31 NEW SUBSECTION. 12A. An owner of a personal watercraft
5 32 equipped with a cut-off switch shall maintain the cut-off
5 33 switch and the accompanying cut-off switch lanyard in an
5 34 operable, fully functional condition.

5 35 Sec. 7. Section 462A.12, Code 2007, is amended by adding
6 1 the following new subsection:

6 2 NEW SUBSECTION. 14. A person shall not operate a personal
6 3 watercraft that is equipped with a cut-off switch, at any
6 4 time, without first attaching the accompanying cut-off switch
6 5 lanyard to the operator's person while the engine is running
6 6 and the personal watercraft is in use.

6 7 Sec. 8. Section 462A.14A, subsection 3, paragraph b, Code
6 8 2007, is amended to read as follows:

6 9 b. The motorboat or sailboat has been involved in an
6 10 ~~accident or collision occurrence~~ resulting in personal injury
6 11 or death.

6 12 Sec. 9. Section 462A.23, subsection 2, paragraph c, Code
6 13 2007, is amended to read as follows:

6 14 c. Failure to stop and render aid as required by this
6 15 chapter when ~~a collision, accident or other casualty an~~
6 16 ~~occurrence involving a vessel~~ results in the death or personal
6 17 injury of another.

6 18 Sec. 10. NEW SECTION. 462A.34B ELUDING OR ATTEMPTING TO
6 19 ELUDE PURSUING LAW ENFORCEMENT VESSEL.

6 20 1. The operator of a vessel commits a serious misdemeanor
6 21 if the operator willfully fails to bring the vessel to a stop
6 22 or otherwise eludes or attempts to elude an authorized marked
6 23 law enforcement vessel operated by a uniformed peace officer
6 24 or by a water patrol officer of the department of natural
6 25 resources, after being given a visual and audible signal to
6 26 stop. The signals given by the officer shall be by displaying
6 27 a blue light or flashing blue and red lights and by sounding a
6 28 horn or siren.

6 29 2. The operator of a vessel commits an aggravated
6 30 misdemeanor if the operator willfully fails to bring the
6 31 vessel to a stop or otherwise eludes or attempts to elude an
6 32 authorized marked law enforcement vessel operated by a
6 33 uniformed peace officer or by a water patrol officer of the
6 34 department of natural resources, after being given a visual
6 35 and audible signal to stop as provided in this section and in
7 1 doing so exceeds a reasonable speed.

7 2 3. The operator of a vessel commits a class "D" felony if
7 3 the operator willfully fails to bring the vessel to a stop or
7 4 otherwise eludes or attempts to elude an authorized marked law
7 5 enforcement vessel operated by a uniformed peace officer or by
7 6 a water patrol officer of the department of natural resources,
7 7 after being given a visual and audible signal to stop as
7 8 provided in this section, and in doing so exceeds a reasonable
7 9 speed, and if any of the following occurs:

7 10 a. The operator is participating in a public offense, as
7 11 defined in section 702.13, that is a felony.

7 12 b. The operator is in violation of section 462A.14 or
7 13 124.401.

7 14 c. The offense results in bodily injury to a person other
7 15 than the operator.

7 16 Sec. 11. Section 462A.43, Code 2007, is amended to read as
7 17 follows:

7 18 462A.43 TRANSFER OF OWNERSHIP.

7 19 Upon the transfer of ownership of any vessel, the owner,
7 20 except as otherwise provided by this chapter, shall complete
7 21 the form on the back of the registration certificate and shall
7 22 deliver it to the purchaser or transferee at the time of
7 23 delivering the vessel. ~~All registrations must be valid for~~

~~7 24 the current registration period prior to the transfer of any~~
~~7 25 registration, including assignment to a dealer If a vessel has~~

~~7 26 an expired registration at the time of transfer, the
7 27 transferee shall pay all applicable fees for the current
7 28 registration period, the appropriate writing fee, and a
7 29 penalty of five dollars, and a transfer of number shall be
7 30 awarded in the same manner as provided for in an original
7 31 registration. All penalties collected pursuant to this
7 32 section shall be forwarded by the commission to the treasurer
7 33 of state, who shall place the money in the state fish and game
7 34 protection fund. The money so collected is appropriated to
7 35 the commission solely for the administration and enforcement~~

~~8 1 of navigation laws and water safety.~~

8 2 Sec. 12. Section 462A.84, subsection 3, Code 2007, is
8 3 amended by striking the subsection and inserting in lieu
8 4 thereof the following:

8 5 3. When a security interest is discharged, the secured
8 6 party shall note the cancellation of the security interest on
8 7 the face of the certificate of title and send the title by
8 8 first class mail to the office of the county recorder where
8 9 the title was issued, or the secured party shall send a
8 10 notarized letter by first class mail to the county recorder
8 11 where the title was issued notifying the county recorder of
8 12 the cancellation of the security interest. The county
8 13 recorder shall note the release of the security interest in
8 14 the county records as evidence of the release of the security
8 15 interest.

8 16 Sec. 13. Section 481A.55, subsection 1, Code 2007, is
8 17 amended to read as follows:

8 18 1. Except as otherwise provided, a person shall not buy or
8 19 sell, dead or alive, a bird or animal or any part of one which
8 20 is protected by this chapter, but this section does not apply
8 21 to fur-bearing animals, bones of wild turkeys that were
8 22 legally taken, and the skins, plumage, and antlers of legally
8 23 taken game. This section does not prohibit the purchase of
8 24 jackrabbits from sources outside this state. A person shall
8 25 not purchase, sell, barter, or offer to purchase, sell, or
8 26 barter for millinery or ornamental use the feathers of
8 27 migratory game birds; and a person shall not purchase, sell,
8 28 barter, or offer to purchase, sell, or barter mounted
8 29 specimens of migratory game birds.

8 30 Sec. 14. Section 481A.123, Code 2007, is amended by adding
8 31 the following new subsection:

8 32 NEW SUBSECTION. 5. This section does not apply to the
8 33 discharge of a firearm on a farm unit by the owner or tenant
8 34 of the farm unit or by a family member of the owner or tenant
8 35 of the farm unit.

9 1 As used in this subsection, "family member", "farm unit",
9 2 "owner", and "tenant" mean the same as defined in section
9 3 483A.24, subsection 2.

9 4 Sec. 15. Section 481A.130, subsection 1, paragraph g, Code
9 5 2007, is amended to read as follows:

9 6 g. For each antlered deer, reimbursement shall be based on
9 7 the ~~point~~ score of the antlered deer as measured by the Boone
9 8 and Crockett club's ~~net~~ scoring system for whitetail deer as
9 9 follows:

9 10 (1) ~~150 points gross inches~~ or less: A minimum of two
9 11 thousand dollars and not more than five thousand dollars, and
9 12 eighty hours of community service or, in lieu of the community
9 13 service, a minimum of four thousand dollars and not more than
9 14 ten thousand dollars, in an amount that is deemed reasonable
9 15 by the court.

9 16 (2) More than 150 ~~points gross inches~~: A minimum of five
9 17 thousand dollars and not more than ten thousand dollars, and
9 18 eighty hours of community service or, in lieu of the community
9 19 service, a minimum of ten thousand dollars and not more than
9 20 twenty thousand dollars, in an amount that is deemed
9 21 reasonable by the court.

9 22 Sec. 16. Section 481A.133, Code 2007, is amended to read
9 23 as follows:

9 24 481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND
9 25 PERMITS.

9 26 A person who is assessed damages pursuant to section
9 27 481A.130 shall immediately surrender all licenses,
9 28 certificates, and permits to hunt, fish, or trap in the state
9 29 to the department. The licenses, permits, and certificates,
9 30 and the privileges associated with them shall remain suspended
9 31 until the assessed damages and any accrued interest are paid
9 32 ~~or a payment schedule is established by the court in full.~~

9 33 Upon payment of the assessed damages and any accrued interest,
9 34 the suspension shall be lifted. ~~If a payment schedule is~~

~~9 35 established, the suspension shall be lifted and remain so
10 1 unless the person fails to make a payment pursuant to that~~

~~10 2 schedule. Failure to make a payment shall cause the~~
~~10 3 suspension to be renewed. Interest shall begin to accrue as of~~
~~10 4 the date of judgment at a rate of ten percent per year.~~

10 5 Sec. 17. Section 481A.134, Code 2007, is amended to read
10 6 as follows:

10 7 481A.134 AUTHORITY TO CANCEL, SUSPEND, OR REVOKE LICENSE
10 8 == POINT SYSTEM.

10 9 The department shall establish rules pursuant to chapter
10 10 17A providing for the suspension or revocation of licenses
10 11 issued by the department. The rules may include procedures
10 12 for summary cancellation of a license based on documentation
10 13 that the licensee failed to pay the applicable fee for the
10 14 license. For purposes of determining when to suspend or
10 15 revoke a license issued by the department under this section,
10 16 the department shall adopt a point system pursuant to chapter
10 17 17A for the purpose of weighing the seriousness of violations
10 18 of the provisions of this chapter or chapter 481B, 482, 483A,
10 19 484A, or 484B, or of committing trespass as defined in section
10 20 716.7 while hunting deer, other than farm deer as defined in

10 21 section 170.1 or preserve whitetail as defined in section
10 22 484C.1. The weighted scale may be amended from time to time
10 23 as experience dictates.

10 24 Sec. 18. Section 481A.135, subsections 2, 3, and 4, Code
10 25 2007, are amended to read as follows:

10 26 2. A person who pleads guilty or is convicted of a
10 27 violation of any provision of this chapter or chapter 481B,
10 28 482, 483A, 484A, or 484B, or trespass as defined in section
10 29 716.7 while hunting deer, other than farm deer as defined in
10 30 section 170.1 or preserve whitetail as defined in section
10 31 484C.1, while the person's license or licenses are suspended
10 32 or revoked is guilty of a simple misdemeanor if the person has
10 33 no other violations within the previous three years which
10 34 occurred while the person's license or licenses have been
10 35 suspended or revoked.

11 1 3. A person who pleads guilty or is convicted of a
11 2 violation of any provision of this chapter or chapter 481B,
11 3 482, 483A, 484A, or 484B, or trespass as defined in section
11 4 716.7 while hunting deer, other than farm deer as defined in
11 5 section 170.1 or preserve whitetail as defined in section
11 6 484C.1, while the person's license or licenses are suspended
11 7 or revoked is guilty of a serious misdemeanor if the person
11 8 has one other violation within the previous three years which
11 9 occurred while the person's license or licenses have been
11 10 suspended or revoked.

11 11 4. A person who pleads guilty or is convicted of a
11 12 violation of any provision of this chapter or chapter 481B,
11 13 482, 483A, 484A, or 484B, or trespass as defined in section
11 14 716.7 while hunting deer, other than farm deer as defined in
11 15 section 170.1 or preserve whitetail as defined in section
11 16 484C.1, while the person's license or licenses are suspended
11 17 or revoked is guilty of an aggravated misdemeanor when the
11 18 person has had two or more convictions within the previous
11 19 three years which occurred while the person's license or
11 20 licenses have been suspended or revoked.

11 21 Sec. 19. Section 483A.27, subsections 1 and 7, Code 2007,
11 22 are amended to read as follows:

11 23 1. A person born after January 1, ~~1967~~ 1972, shall not
11 24 obtain a hunting license unless the person has satisfactorily
11 25 completed a hunter safety and ethics education course approved
11 26 by the commission. A person who is eleven years of age or
11 27 more may enroll in an approved hunter safety and ethics
11 28 education course, but a person who is eleven years of age and
11 29 who has successfully completed the course shall be issued a
11 30 certificate of completion which becomes valid on the person's
11 31 twelfth birthday. A certificate of completion from an
11 32 approved hunter safety and ethics education course issued in
11 33 this state since 1960, by another state, or by a foreign
11 34 nation, is valid for the requirements of this section.

11 35 7. A hunting license obtained under this section by a
12 1 person who gave false information or presented a fraudulent
12 2 certificate of completion shall be revoked and a new hunting
12 3 license shall not be issued for at least two years from the
12 4 date of conviction. A hunting license obtained by a person
12 5 who was born after January 1, ~~1967~~ 1972, but has not
12 6 satisfactorily completed the hunter safety and ethics
12 7 education course or has not met the requirements established
12 8 by the commission, shall be revoked.

12 9 Sec. 20. Section 716.7, subsection 2, paragraph a, Code
12 10 2007, is amended to read as follows:

12 11 a. Entering upon or in property without the express
12 12 permission of the owner, lessee, or person in lawful

12 13 possession with the intent to commit a public offense, to use,
12 14 remove therefrom, alter, damage, harass, or place thereon or
12 15 therein anything animate or inanimate, or to hunt, fish or
12 16 trap on or in the property, including the act of taking or
12 17 attempting to take a deer, other than a farm deer as defined
12 18 in section 170.1 or preserve whitetail as defined in section
12 19 484C.1, which is on or in the property by a person who is
12 20 outside the property. This paragraph does not prohibit the
12 21 unarmed pursuit of game or ~~fur-bearing~~ fur-bearing animals by a
12 22 person who lawfully injured or killed the game or fur-bearing
12 23 animal which come comes to rest on or escape escapes to the
12 24 property of another.

12 25 Sec. 21. Section 716.8, Code 2007, is amended by adding
12 26 the following new subsection:

12 27 NEW SUBSECTION. 5. A person who commits a trespass as
12 28 defined in section 716.7, subsection 2, paragraph "a", and
12 29 takes a deer, other than a farm deer as defined in section
12 30 170.1 or preserve whitetail as defined in section 484C.1,
12 31 shall also be subject to civil penalties as provided in
12 32 sections 481A.130 and 481A.131. A deer taken by a person
12 33 while committing such a trespass shall be subject to seizure
12 34 as provided in section 481A.12.

12 35 Sec. 22. Section 805.8B, subsection 1, paragraph b, Code
13 1 2007, is amended to read as follows:

13 2 b. For violations of registration, identification, and
13 3 record provisions under sections 462A.4 and 462A.10, and for
13 4 unused or improper or defective equipment under section
13 5 462A.9, subsections 2, 6, 7, 8, 12A, and 13, and section
13 6 462A.11, and for operation violations under sections 462A.26,
13 7 462A.31, and 462A.33, the scheduled fine is twenty dollars.

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13 11 JOHN P. KIBBIE

13 12 President of the Senate

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13 16 PATRICK J. MURPHY

13 17 Speaker of the House

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13 19 I hereby certify that this bill originated in the Senate and
13 20 is known as Senate File 78, Eighty-second General Assembly.

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13 24 MICHAEL E. MARSHALL

13 25 Secretary of the Senate

13 26 Approved _____, 2007

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13 30 CHESTER J. CULVER

13 31 Governor