



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

March 28, 2007

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

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.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





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

~~accident~~ an occurrence of any nature with another vessel or other personal property, to the owner or operator of the other vessel or personal property.

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

Every registration certificate and number issued becomes delinquent at midnight April 30 of the last calendar year of the registration period unless terminated or discontinued in accordance with this chapter. After January 1, 2007, an unregistered vessel and a renewal of registration may be registered for the three-year registration period beginning May 1 of that year. 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 ~~sixty-six percent~~ two-thirds 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~~ one-third of the appropriate registration fee.

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

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

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

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

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

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

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

5. Failure of the operator of any vessel involved in a ~~collision, accident, or other casualty~~ an occurrence to offer assistance and aid to other persons affected by such ~~collision, accident, or casualty~~ occurrence, as set forth in this chapter, or to otherwise comply with the requirements of subsection 1, is punishable as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

1. 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 law enforcement vessel operated by a uniformed peace officer or by a water patrol officer of the department of natural resources, after being given a visual and audible signal to stop. The signals given by the officer shall be by displaying a blue light or flashing blue and red lights and by sounding a horn or siren.

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

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

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

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

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

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

462A.43 TRANSFER OF OWNERSHIP.

Upon the transfer of ownership of any vessel, the owner, except as otherwise provided by this chapter, shall complete the form on the back of the registration certificate and shall deliver it to the purchaser or transferee at the time of delivering the vessel. ~~All registrations must be valid for the current registration period prior to the transfer of any registration, including assignment to a dealer~~ If a vessel has an expired registration at the time of transfer, the transferee shall pay all applicable fees for the current registration period, the appropriate writing fee, and a penalty of five dollars, and a transfer of number shall be awarded in the same manner as provided for in an original registration. All penalties collected pursuant to this section shall be forwarded by the commission to the treasurer of state, who shall place the money in 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.

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

3. When a security interest is discharged, the secured party shall note the cancellation of the security interest on the face of the certificate of title and send the title by first class mail to the office of the county recorder where the title was issued, or the secured party shall send a notarized letter by first class mail to the county recorder where the title was issued notifying the county recorder of the cancellation of the security interest. The county recorder shall note the release of the security interest in the county records as evidence of the release of the security interest.

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

1. Except as otherwise provided, a person shall not buy or sell, dead or alive, a bird or animal or any part of one which is protected by this chapter, but this section does not apply to fur-bearing animals, bones of wild turkeys that were

legally taken, and the skins, plumage, and antlers of legally taken game. This section does not prohibit the purchase of jackrabbits from sources outside this state. A person shall not purchase, sell, barter, or offer to purchase, sell, or barter for millinery or ornamental use the feathers of migratory game birds; and a person shall not purchase, sell, barter, or offer to purchase, sell, or barter mounted specimens of migratory game birds.

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

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

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

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

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

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

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

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

481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND PERMITS.

A person who is assessed damages pursuant to section 481A.130 shall immediately surrender all licenses, certificates, and permits to hunt, fish, or trap in the state to the department. The licenses, permits, and certificates, and the privileges associated with them shall remain suspended until the assessed damages and any accrued interest are paid ~~or a payment schedule is established by the court in full~~. Upon payment of the assessed damages and any accrued interest, the suspension shall be lifted. ~~If a payment schedule is established, the suspension shall be lifted and remain so unless the person fails to make a payment pursuant to that schedule.-- Failure to make a payment shall cause the suspension to be renewed~~ Interest shall begin to accrue as of the date of judgment at a rate of ten percent per year.

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

481A.134 AUTHORITY TO CANCEL, SUSPEND, OR REVOKE LICENSE -- POINT SYSTEM.

The department shall establish rules pursuant to chapter 17A providing for the suspension or revocation of licenses issued by the department. The rules may include procedures for summary cancellation of a license based on documentation that the licensee failed to pay the applicable fee for the license. For purposes of determining when to suspend or revoke a license issued by the department under this section, the department shall adopt a point system pursuant to chapter 17A for the purpose of weighing the seriousness of violations of the provisions of this chapter or chapter 481B, 482, 483A, 484A, or 484B, or of committing trespass as defined in section 716.7 while hunting deer, other than farm deer as defined in section 170.1 or preserve whitetail as defined in section 484C.1. The weighted scale may be amended from time to time as experience dictates.

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

2. A person who pleads guilty or is convicted of a violation of any provision of this chapter or chapter 481B, 482, 483A, 484A, or 484B, or trespass as defined in section 716.7 while hunting deer, other than farm deer as defined in

section 170.1 or preserve whitetail as defined in section 484C.1, while the person's license or licenses are suspended or revoked is guilty of a simple misdemeanor if the person has no other violations within the previous three years which occurred while the person's license or licenses have been suspended or revoked.

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

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

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

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

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

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

a. Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense, to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, or to hunt, fish or trap on or in the property, including the act of taking or attempting to take a deer, other than a farm deer as defined in section 170.1 or preserve whitetail as defined in section 484C.1, which is on or in the property by a person who is outside the property. This paragraph does not prohibit the unarmed pursuit of game or ~~fur-bearing~~ fur-bearing animals by a person who lawfully injured or killed the game or fur-bearing animal which ~~come~~ comes to rest on or ~~escape~~ escapes to the property of another.

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

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

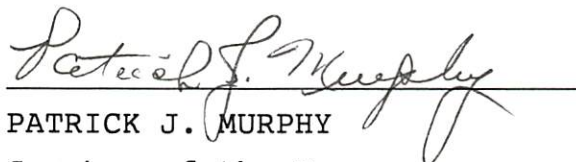
Sec. 22. Section 805.8B, subsection 1, paragraph b, Code 2007, is amended to read as follows:

b. For violations of registration, identification, and record provisions under sections 462A.4 and 462A.10, and for

unused or improper or defective equipment under section 462A.9, subsections 2, 6, 7, 8, 12A, and 13, and section 462A.11, and for operation violations under sections 462A.26, 462A.31, and 462A.33, the scheduled fine is twenty dollars.



JOHN P. KIBBIE
President of the Senate




PATRICK J. MURPHY
Speaker of the House

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



MICHAEL E. MARSHALL
Secretary of the Senate

Approved March 28th, 2007



CHESTER J. CULVER
Governor