

February 8, 1967

Passed on File

*Conservation and Recreation 2-9, Pass as amended 2-17
Board of Control 4-19, Pass as amended 5-3*

Senate File 179

By MESSERLY, MILLS,
and VAN GILST.

Passed Senate, Date 4-14-67 Passed House, Date 5-11-67

Vote: Ayes 47 Nays 0 Vote: Ayes 94 Nays 0

*Passed
as amended
by Tele House
5-16-67
51-0*

Approved May 25, 1967

A BILL FOR

An Act relating to the registration of motorboats.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section one hundred six point two (106.2), Code
2 1966, is hereby amended by adding thereto the following new
3 subsections:

4 1. "'Nonresident' means every person who is not a resident
5 of this state."

6 2. "'Dealer' means every person engaged in the business of
7 buying, selling, or exchanging boats of a type required to be
8 registered hereunder and who has an established place of business
9 for such purpose in this state."

10 3. "'Manufacturer' means every person engaged in the business
11 of constructing or assembling boats of a type required to be
12 registered hereunder and who has an established place of business
13 for such purpose in this state."

14 4. "'Established place of business' means the place actually
15 occupied either continuously or at regular periods by a dealer
16 or manufacturer where his books and records are kept and a large
17 share of his business is transacted."

18 5. "'Writing fee' means the amount paid by the boat owner to
19 the county recorder for handling the transaction."

1 Sec. 2. Section one hundred six point five (106.5), Code
2 1966, is hereby amended as follows:

3 1. By striking lines one (1) through thirteen (13) of sub-
4 section one (1) of such section and inserting in lieu thereof
5 the following:

6 "The owner of each motorboat required to be numbered by this
7 state shall register it every two (2) years with the county
8 recorder of the county in which the owner resides, or, if the
9 owner is a nonresident, he shall register it in the county in
10 which such motorboat is principally used. The commission shall
11 have supervisory responsibility over the registration of all motor-
12 boats and shall provide each county recorder with registration forms
13 and certificates and shall allocate identification numbers to each
14 county.

15 "The owner of such motorboat shall file an application for
16 registration with the appropriate county recorder on forms pro-
17 vided by the commission. The application shall be completed and
18 signed by the owner of the motorboat and shall be accompanied by
19 a fee of four (4) dollars and a writing fee of fifty (50) cents.
20 Upon receipt of the application in approved form accompanied by
21 the required fees, the county recorder shall enter the same upon
22 the records of his office and shall issue to the applicant a pocket-
23 size registration certificate. The certificate shall be executed
24 in triplicate, one (1) copy to be delivered to the owner, one (1)
25 copy to the commission, and one (1) copy to be retained on file by
26 the county recorder. The registration certificate shall".

27 2. By striking subsections two (2), four (4), and five (5) of
28 such section.

29 3. By striking from lines two (2) and three (3) of subsection
30 seven (7) of such section the words "expire at midnight July 3, 1963"
31 and inserting in lieu thereof the words "become delinquent at mid-
32 night April 30, 1969,".

33 4. By striking from lines five (5) and six (6) of subsection
34 seven (7) of such section the words "On or after the first day of
35 March" and inserting in lieu thereof the words "After the first
36 day of January".

37 5. By striking from lines nine (9) and ten (10) of subsection
38 seven (7) of such section the words "July 4. On or after the first
39 day of March" and inserting in lieu thereof the words "May 1. After
40 the first day of January".

41 6. By striking from lines fourteen (14) and fifteen (15)
42 of subsection seven (7) of such section the words "dollars. All
43 registrations shall expire" and inserting in lieu thereof the
44 following words "(2) dollars and a writing fee of fifty (50)
45 cents. All registrations shall become delinquent".

46 7. By adding to subsection seven (7) of such section the
47 following:

48 "If a timely application for renewal is made, the applicant
49 shall receive the same registration number allocated to him for
50 the previous registration period. If the application for
51 registration for the biennium is not made before May 1 of each
52 odd-numbered year, the applicant shall be charged a penalty of
53 one (1) dollar for each six (6) months he is delinquent. Provided,
54 however, that if the registration is not renewed for two (2)
55 consecutive periods, the number of said delinquent registration
56 may be assigned to another applicant, and upon application for
57 registration by said delinquent registrant, he shall be assigned
58 a new registration number and shall not be charged any penalties."

59 8. By striking from line four (4) of subsection eight (8)
60 of such section the word "commission" and inserting in lieu
61 thereof the words "county recorder".

62 9. By striking from line nine (9) of subsection eight (8) of
63 such section the word "commission" and inserting in lieu thereof
64 the words "county recorder".

65 10. By inserting after line ten (10) of subsection eight (8)
66 of such section the following:

67 "No fee shall be paid to the county recorder for making the
68 aforementioned changes, unless the owner requests a new registra-
69 tion certificate showing the change, in which case a fee of one
70 (1) dollar plus a twenty-five (25) cent writing fee shall be paid
71 to the recorder."

72 11. By striking from line fifteen (15) of subsection eight

73 (8) of such section the word "commission" and inserting in lieu
74 thereof the words "county recorder".

75 12. By striking from line sixteen (16) of subsection eight (8)
76 of such section the words "one dollar" and inserting in lieu
77 thereof the words "one (1) dollar plus a twenty-five (25) cent
78 writing fee".

79 13. By striking from lines sixteen (16) and seventeen (17) of
80 subsection eight (8) of such section the word "commission" and
81 inserting in lieu thereof the words "county recorder".

82 14. By striking from line twenty-one (21) of subsection eight
83 (8) of such section the word "commission" and inserting in lieu
84 thereof the words "county recorder".

85 15. By striking from line twenty-three (23) of subsection eight
86 (8) of such section the word "commission" and inserting in lieu
87 thereof the words "county recorder".

88 16. By striking subsection nine (9) of such section and insert-
89 ing in lieu thereof the following:

90 "All records of the commission and the county recorder, other
91 than those declared by law to be confidential for the use of the
92 commission and the county recorder, shall be open to public inspection
93 during office hours."

1 Sec. 3. Section one hundred six point seven (106.7), Code 1966,
2 is hereby amended as follows:

3 1. By striking from lines seven (7) and eight (8) of subsection
4 two (2) of such section the words "in writing, and containing" and
5 inserting in lieu thereof the words "which report shall contain".

6 2. By adding thereto the following new subsections:

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

11 2. "All reports shall be in writing, and the written report
12 shall be without prejudice to the individual so reporting and shall
13 be for the confidential use of the commission. Provided however,

14 upon the request of any person involved in an occurrence covered
15 under the provisions of this section, or the attorney for such
16 person, the commission shall disclose the identity of the person
17 involved in the occurrence and his address. A written report
18 filed with the commission shall not be admissible in or used in
19 evidence in any civil action arising out of the facts on which
20 the report is based."

1 Sec. 4. Section one hundred six point fourteen (106.14), Code
2 1966, is hereby amended as follows:

3 1. By striking all of lines twenty-two (22) through twenty-
4 eight (28) of such section after the word "any" in line twenty-
5 two (22) and inserting in lieu thereof a period (.).

6 2. By striking lines forty (40) through forty-five (45) of
7 such section.

8 Sec. 5. Section one hundred six point twenty-three (106.23),
9 Code 1966, is hereby amended by adding thereto the following new
10 subsections:

11 1. "The commission is hereby authorized to suspend or revoke
12 the certificate of registration of a motorboat registered under
13 the provisions of this chapter when:

14 "a. It is satisfied that such registration certificate was
15 fraudulently or erroneously obtained.

16 "b. It determines that a registered motorboat is unsafe to be
17 operated on waters of the state under the jurisdiction of the
18 commission.

19 "c. A registered motorboat has been abandoned or wrecked.

20 "d. Identification numbers are knowingly displayed on a
21 motorboat other than the one (1) to which assigned."

22 2. "Upon revocation of any registration certificate, the
23 commission shall notify the county recorder who issued the same,
24 who shall immediately enter the revocation upon his records."

25 3. "The commission is hereby authorized to suspend or revoke
26 the special certificate of any manufacturer or dealer when it is
27 satisfied that:

28 "a. Such special certificate was fraudulently or erroneously

29 obtained.

30 "b. Such special certificate is being used in violation of
31 the provisions of this chapter or the rules and regulations of
32 the commission.

33 "c. Such manufacturer or dealer is violating any of the pro-
34 visions of this chapter or the rules and regulations of the
35 commission."

1 Sec. 6. Chapter on hundred six (106), Code 1966, is hereby
2 amended by adding thereto the following new sections:

3 1. "A manufacturer or dealer owning any motorboat required to
4 be registered under the provisions of this Act may operate the
5 same for purposes of transporting, testing, demonstrating, or
6 selling the same without registering each such motorboat, provided
7 that any such motorboat displays thereon a special certificate
8 issued to such owner as provided in this chapter. This special
9 certificate may not be used for any motorboat offered for hire or
10 for any work or service motorboats owned by a manufacturer or
11 dealer."

12 2. "Any manufacturer or dealer may, upon payment of a fee
13 of fifteen (15) dollars, make application to the commission, upon
14 such forms as the commission prescribes, for a special certificate
15 containing a general distinguishing number and for one (1) or more
16 duplicate special certificates. The applicant shall submit such
17 reasonable proof of his status as a bona fide manufacturer or
18 dealer as the commission may require."

19 3. "The commission, upon granting any such application, shall
20 issue to the applicant a special certificate containing the appli-
21 cant's name and address, the general distinguishing number assigned
22 to the applicant, the word 'manufacturer' or 'dealer', and such
23 other information as the commission may prescribe. The manufacturer
24 or dealer shall have the number so awarded printed upon or attached
25 to a removable sign or signs to be temporarily but firmly mounted
26 upon or attached to the vessel being used, and the display must
27 meet the requirements of this chapter and the rules and regulations
28 of the commission."

29 4. "The commission shall also issue duplicate special
30 certificates as applied for which shall have displayed thereon
31 the general distinguishing number assigned to the applicant.
32 Each duplicate special certificate so issued shall contain a
33 number or symbol identifying the same from every other duplicate
34 special certificate bearing the same general distinguishing
35 number. The fee for each additional duplicate special certificate
36 shall be two (2) dollars."

37 5. "Each special certificate issued hereunder shall expire at
38 midnight on April 30 of each odd-numbered year, and a new special
39 certificate for the ensuing biennium may be obtained upon appli-
40 cation to the commission and payment of the fee provided by law."

41 6. "Every manufacturer or dealer shall keep a written record
42 of the motorboats upon which such special certificates are used,
43 which record shall be open to inspection by any law enforcement
44 officer or any officer or employee of the commission."

45 7. "If a manufacturer or dealer has an established place of
46 business in more than one (1) city or town, he shall secure a
47 separate and distinct special certificate and general distinguish-
48 ing number for each such place of business."

49 8. "Dealers using special certificates under the provisions
50 of this chapter shall, before May 5 of each year, furnish the
51 commission with a list of all used motorboats held by them for
52 sale or trade, and upon which the registration fee for the current
53 year has not been paid, giving the previous registration number,
54 name of previous owner at the time such motorboat was transferred
55 to the dealer, and such other information as the commission may
56 require."

57 9. "Upon the transfer of ownership of any motorboat, the
58 owner, except as otherwise provided by this chapter, shall complete
59 the form on the back of the registration certificate and shall
60 deliver it to the purchaser or transferee at the time of delivering
61 the motorboat."

62 10. "The purchaser or transferee shall, except as otherwise

63 provided by this chapter, within five (5) days file a new applica-
64 tion form with the county recorder with a fee of one (1) dollar
65 and the appropriate writing fee, and a transfer of number shall
66 be awarded in the same manner as provided for in an original
67 registration."

68 11. "When the purchaser or transferee of a motorboat is a
69 dealer who holds the same for resale and operates the motorboat
70 only for purposes incident to a resale and displays thereon his
71 special dealers certificate, or does not operate such motorboat or
72 permit it to be operated, such transferee shall not be required to
73 obtain a new registration certificate but upon transferring his
74 title or interest to another person he shall sign the reverse side
75 of the registration certificate of such motorboat indicating the
76 name and address of the new purchaser."

77 12. "Whenever a dealer purchases or otherwise acquires a motor-
78 boat registered in this state, he shall issue a signed receipt to
79 the previous owner, indicating the date of purchase or acquisition,
80 the name and address of such previous owner, and the registration
81 number of the motorboat purchased or acquired. The original receipt
82 shall be delivered to the previous owner and one (1) copy shall be
83 mailed or delivered by the dealer to the county recorder of the
84 county in which the motorboat is registered, and one (1) copy shall
85 be delivered to the commission within forty-eight (48) hours."

86 13. "Nothing in this section shall prohibit a dealer from ob-
87 taining a new registration and transfer of registration in the same
88 manner as other purchasers."

89 14. "Upon the sale of a motorboat by a manufacturer or dealer,
90 the purchaser shall within five (5) days make application for registra-
91 tion and he may operate the motorboat without its individual identi-
92 fication number thereon for a period of not more than ten (10) days
93 after the purchase date, provided that during such period the motor-
94 boat shall have attached thereto, in accordance with the provisions
95 of this chapter, a pasteboard card bearing the words 'registration
96 applied for' and the special certificate number of the dealer from

97 whom the motorboat was purchased together with the date of
98 purchase plainly stamped or stenciled thereon."

99 15. "No manufacturer or dealer shall permit the use of
100 such card unless an application for a registration certificate
101 has been made."

102 16. "The commission shall, upon the application of any manu-
103 facturer or dealer, furnish 'registration applied for' cards
104 free of charge. No cards shall be used except those furnished
105 by the commission."

106 17. "The county recorder shall be responsible for all fees
107 and penalties for the issuance of motorboat registrations. All
108 unused registration certificates shall be surrendered to the
109 commission upon demand."

110 18. "Within ten (10) days after the end of each month, each
111 county recorder shall remit to the commission all fees collected
112 by him during the previous month. Before May 10 in odd-numbered
113 years, each county recorder shall remit to the commission all
114 unused license blanks for the previous biennium. Before May 10
115 of each year, each county recorder shall make a final accounting
116 for all registration fees and penalties received during the pre-
117 vious year."

118 19. "In addition to the other fees provided by this chapter,
119 the county recorder shall collect from the boat owner, at the
120 time of the transaction, the following writing fees:

121 "1. For a new registration, fifty (50) cents.

122 "2. For renewal of a registration, fifty (50) cents.

123 "3. For a duplicate registration, twenty-five (25) cents.

124 "4. For a new registration upon a change of address or a
125 change of name, but only if the owner requests a new registration
126 be issued to him, twenty-five (25) cents."

127 20. "The writing fees collected by the county recorder shall
128 be paid to the county treasurer by the county recorder as other
129 such fees are paid to the county treasurer by him."

130 21. "No motorboat shall be registered by the county recorder

131 until there has been presented to the recorder receipts, bills of
 132 sale, or other satisfactory evidence that the sales or use tax
 133 has been paid for the purchase of said boat, provided however,
 134 that no evidence need be presented as to any motorboat licensed
 135 with the commission prior to January 1, 1968. If the owner of the
 136 motorboat is unable to present satisfactory evidence that the sales
 137 or use tax has been paid, the county recorder shall collect said
 138 tax. On or before the tenth (10th) day of each month, the county
 139 recorder shall remit to the tax commission the amount of the taxes
 140 so collected during the preceding month, together with an itemized
 141 statement on forms furnished by the tax commission showing the name
 142 of each taxpayer, the make and purchase price of each motorboat and
 143 motor, the amount of tax paid, and such other information as the tax
 144 commission shall require."

1 Sec. 7. This Act shall take effect and be in force on January
 2 1, 1968.

1 Amend Senate File 179 as follows:

- 2 1. Amend Section two (2) by inserting in line fifty-three
- 3 (53) after the word "months", the words ", or any portion thereof,".
- 4 2. Further amend Section two (2) by inserting in line fifty-
- 5 five (55) after the word "consecutive", the word "registration".
- 6 3. Amend Section six (6) by inserting after line one-hundred
- 7 seventeen (117), the following:
- 8 "All fees collected for the registration of
- 9 vessels shall be forwarded by the commission
- 10 to the treasurer of the state, who shall place
- 11 such money in a special conservation fund. The
- 12 money so collected is hereby appropriated to the
- 13 commission solely for the administration and
- 14 enforcement of navigation laws and water safety."

Filed - *Adopted 4-14*
 March 17, 1967

By COMMITTEE ON
 CONSERVATION AND
 RECREATION

1 Amend S.F. 179 Section 6, by striking from line one (1) the
 2 word "on" and insert in lieu thereof the word "one".

Filed - *Adopted 5-11-67*
 May 3, 1967

Senate concurred
 5-16-67

COMMITTEE ON CONSERVATION.