

Expend

FILED FEBRUARY 1990

SENATE FILE 2349
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO SSB 2251)

Passed Senate, Date 2/27/90 (p. 740) Passed House, Date _____
Vote: Ayes 28 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to scheduled fines and court procedures for
2 certain violations of snowmobile and all-terrain vehicle
3 regulations, game and fish regulations, and parks.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5

SSB 2349

SENATE FILE 2349

S-5218

Senate File 2349 as follows:

SENATE FILE 2349

S-5246

1 Amend Senate File 2349 as follows:
2 1. Page 5, line 26, by inserting after the figure
3 "109-32." the following: "However, the commission
4 shall not regulate or prohibit the taking of Canadian
5 geese within a game management area in Jackson county
6 in any manner which is more restrictive than the
7 limitations which existed in that county during the
8 calendar year 1989."

By JOE WELSH

S-5246 FILED FEBRUARY 27, 1990
ADOPTED (p. 739)

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1 Section 1. Section 805.8, subsection 4, paragraph a, Code
2 Supplement 1989, is amended to read as follows:

3 a. For registration ~~and-identification~~ violations under
4 ~~sections~~ section 321G.3 and-321G-5, the scheduled fine is five
5 twenty dollars. When the scheduled fine is paid, the violator
6 shall submit sufficient proof that a valid registration has
7 been obtained.

8 Sec. 2. Section 805.8, subsection 4, Code Supplement 1989,
9 is amended by adding the following new paragraph:

10 NEW PARAGRAPH. e. For identification violations under
11 section 321G.5, the scheduled fine is ten dollars.

12 Sec. 3. Section 805.8, subsection 5, Code 1989, is amended
13 by striking the subsection and inserting in lieu thereof the
14 following:

15 5. Fish and game law violations.

16 a. For violations of section 110B.2, the scheduled fine is
17 ten dollars.

18 b. For violations of sections 109.54, 109.69, 109.71,
S.218 19 109.72, 109.122, 109B.6, 110.3, 110.6, 110.19, and 110.27, the
20 scheduled fine is twenty dollars.

21 c. For violations of sections 109.6, 109.21, 109.22,
22 109.24, 109.26, 109.50, 109.56, 109.60 through 109.62, 109.82,
23 109.83, 109.84, 109.92, 109.123, 109B.7, 110.7, 110.8, 110.23,
24 and 110.24, the scheduled fine is twenty-five dollars.

25 d. For violations of sections 109.7, 109.47, 109.52,
26 109.53, 109.55, 109.58, 109.63, 109.64, 109.76, 109.81,
S.218 27 109.90, 109.91, 109.97, 109.126, 109B.8, and 110.37, the
28 scheduled fine is fifty dollars.

29 e. For violations of sections 109.85, 109.93, 109.95,
30 109.120, 109A.5, 109B.3, and 109B.9, the scheduled fine is one
31 hundred dollars.

32 f. For violations of section 109.38 relating to the
33 taking, pursuing, killing, trapping or ensnaring, buying,
34 selling, possessing, or transporting any game, protected
35 nongame animals, furbearing animals, or fur or skin of the

1 animals, mussels, frogs, or fish or part of them, the
2 scheduled fines are as follows:

3 (1) For deer or turkey, the scheduled fine is one hundred
4 dollars.

5 (2) For protected nongame, the scheduled fine is one
6 hundred dollars.

7 (3) For mussels, frogs, spawn, or fish, the scheduled fine
8 is twenty-five dollars.

9 (4) Other game, the scheduled fine is fifty dollars.

10 (5) For furbearing animals, the scheduled fine is seventy-
11 five dollars.

12 g. For violations of section 109.32 relating to an attempt
13 to take, pursue, kill, trap, buy, sell, possess, or transport
14 any game, protected nongame animals, furbearing animals, or
15 fur or skin of the animals, mussels, frogs, or fish or part of
16 them, the scheduled fines are as follows:

17 (1) For game or furbearing animals, the scheduled fine is
18 fifty dollars.

19 (2) For protected nongame, the scheduled fine is fifty
20 dollars.

21 (3) For mussels, frogs, spawn, or fish, the scheduled fine
22 is ten dollars.

23 h. For violations of section 109.48 relating to
24 restrictions on game birds and animals, the scheduled fines
25 are as follows:

26 (1) Out-of-season, the scheduled fine is one hundred
27 dollars.

28 (2) Over limit, the scheduled fine is one hundred dollars.

29 (3) Attempt to take, the scheduled fine is fifty dollars.

30 (4) General waterfowl restrictions, the scheduled fine is
31 fifty dollars.

32 (a) No federal stamp, the scheduled fine is fifty dollars.

33 (b) Unplugged shotgun, the scheduled fine is ten dollars.

34 (c) Possession of other than steel shot, the scheduled
35 fine is twenty-five dollars.

1 (d) Early or late shooting, the scheduled fine is twenty-
2 five dollars.

3 i. For violations of section 109.67 relating to general
4 violations of fishing laws, the scheduled fine is twenty-five
5 dollars.

6 (1) For over limit catch, the scheduled fine is thirty
7 dollars.

8 (2) For under minimum length or weight, the scheduled fine
9 is twenty dollars.

10 (3) For out-of-season fishing, the scheduled fine is fifty
11 dollars.

12 j. For violations of section 109.73 relating to trotlines
13 and throwlines:

14 (1) For trotline or throwline violations in legal waters,
15 the scheduled fine is twenty-five dollars.

16 (2) For trotline or throwline violations in illegal
17 waters, the scheduled fine is fifty dollars.

18 k. For violations of section 109.80 relating to minnows:

19 (1) For general minnow violations, the scheduled fine is
20 twenty-five dollars.

21 (2) For commercial purposes, the scheduled fine is fifty
22 dollars.

23 l. For violations of section 109.87 relating to the taking
24 or possessing of furbearing animals out of season:

25 (1) For red fox, gray fox, or mink, the scheduled fine is
26 one hundred dollars.

27 (2) For all other furbearers, the scheduled fine is fifty
28 dollars.

29 m. For violations of section 109B.4 relating to gear tags:

30 (1) For commercial license violations, the scheduled fine
31 is one hundred dollars.

32 (2) For no gear tags, the scheduled fine is twenty-five
33 dollars.

34 n. For violations of section 109B.11 relating to turtles:

35 (1) For commercial turtle violations, the scheduled fine

1 is one hundred dollars.

2 (2) For sport turtle violations, the scheduled fine is
3 fifty dollars.

4 o. For violations of section 109B.12 relating to mussels:

5 (1) For commercial mussel violations, the scheduled fine
6 is one hundred dollars.

7 (2) For sport mussel violations, the scheduled fine is
8 fifty dollars.

9 p. For violations of section 110.1 relating to licenses
10 and permits, the scheduled fines are as follows:

11 (1) For a license or permit costing ten dollars or less,
12 the scheduled fine is twenty dollars.

13 (2) For a license or permit costing more than ten dollars
14 but not more than twenty dollars, the scheduled fine is thirty
15 dollars.

16 (3) For a license or permit costing more than twenty
17 dollars but not more than forty dollars, the scheduled fine is
18 fifty dollars.

19 (4) For a license or permit costing more than forty
20 dollars but not more than fifty dollars, the scheduled fine is
21 seventy dollars.

22 (5) For a license or permit costing more than fifty
23 dollars, the scheduled fine is one hundred dollars.

24 q. For violations of section 110.26 relating to false
25 claims for licenses:

26 (1) For making a false claim for a license by a resident,
27 the scheduled fine is fifty dollars.

28 (2) For making a false claim for a license by a
29 nonresident, the scheduled fine is one hundred dollars.

30 r. For violations of section 110.36 relating to the
31 conveyance of guns:

32 (1) For conveying an assembled, unloaded gun, the
33 scheduled fine is twenty-five dollars.

34 (2) For conveying a loaded gun the scheduled fine is
35 fifty dollars.

1 Sec. 4. Section 805.8, subsection 6, Code 1989, is amended
2 by adding the following new paragraphs:

3 NEW PARAGRAPH. c. For violations of section 111.44, the
4 scheduled fine is fifty dollars.

5 NEW PARAGRAPH. d. For violations of section 111.48, the
6 scheduled fine is twenty-five dollars.

7 Sec. 5. Section 805.10, Code Supplement 1989, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 3. When the violation charged involves
10 the taking of an animal for which there is a civil damage
11 assessment in addition to a criminal penalty.

12 Sec. 6. Section 109.6, Code 1989, is amended to read as
13 follows:

14 109.6 GAME MANAGEMENT AREA.

15 The commission may establish a game management area upon
16 any public lands or waters, or with the consent of the owner
17 thereof upon any private lands or waters, when necessary to
18 maintain a biological balance as provided in section 109.39 or
19 to provide for public hunting, fishing, or trapping in
20 conformity with sound wildlife management; and when a game
21 management area is established, the commission shall with the
22 consent of ~~such~~ the owner, if any, have the right to post and
23 prohibit, and to regulate or limit ~~such~~ the lands or waters
24 against trespassing, hunting, fishing, or trapping, and any
25 violation ~~thereof shall be~~ of the regulations is unlawful and
26 ~~punishable as provided in section 109.32.~~

27 Sec. 7. Section 109.22, unnumbered paragraph 7, Code 1989,
28 is amended by striking the unnumbered paragraph.

29 Sec. 8. Section 110.26, Code 1989, is amended to read as
30 follows:

31 110.26 FALSE CLAIMS.

32 A nonresident shall not obtain a resident license by
33 falsely claiming residency in the state. The presumptions and
34 provisions of section 321.1A, relating to residency ~~shall~~
35 apply to licenses under this chapter. The use of a license by

1 a person other than the person to whom the license is issued
2 is unlawful and ~~shall nullify~~ nullifies the license. A
3 ~~resident-or-nonresident-who-violates-this-section-is-guilty-of~~
4 ~~a-simple-misdemeanor.~~

5 EXPLANATION

6 This bill provides scheduled fines for violations of many
7 provisions of chapters 109, 109A, 109B, 110, 111, and 321G.
8 These chapters relate to game and fish laws, parks, and
9 snowmobile regulations. The scheduled violation and fine
10 procedures will be used in lieu of procedures used for other
11 simple misdemeanor prosecutions. The fines are in addition to
12 court costs and surcharges which are added to most scheduled
13 fines.

14 The bill also requires a violator to give sufficient proof
15 that a valid snowmobile or all-terrain vehicle registration
16 has been obtained when the fine is paid for operating without
17 a valid registration.

18 Also, a court appearance will be required when an animal is
19 taken illegally and civil damages are assessed along with
20 criminal penalties.

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SENATE FILE 2349
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO SSB 2251)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 27, 1990)

- ~~_____~~ - New Language by the Senate
- * - Language Stricken by the Senate

Re Passed Senate, Date 4/5/90 (p. 1568) Passed House, Date 3/14/90 (p. 1097)
 Vote: Ayes 48 Nays 0 Vote: Ayes 92 Nays 0
 Approved April 30, 1990

A BILL FOR

1 An Act relating to scheduled fines and court procedures for
 2 certain violations of snowmobile and all-terrain vehicle
 3 regulations, game and fish regulations, and parks.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2349

H-5612

- 1 Amend Senate File 2349, as amended, passed, and
 - 2 reprinted by the Senate, as follows:
 - 3 1. Page 5, line 26, by striking the words
 - 4 "However, the".
 - 5 2. Page 5, by striking lines 27 through 30.
- By COMMITTEE ON NATURAL RESOURCES
AND OUTDOOR RECREATION
BLACK of Jasper, Chairperson

H-5612 FILED MARCH 12, 1990
Adopted 3/12 (p. 1097)

HOUSE AMENDMENT TO
SENATE FILE 2349

S-5533

- 1 Amend Senate File 2349, as amended, passed, and
 - 2 reprinted by the Senate, as follows:
 - 3 1. Page 5, line 26, by striking the words
 - 4 "However, the".
 - 5 2. Page 5, by striking lines 27 through 30.
- RECEIVED FROM THE HOUSE

S-5533 FILED MARCH 16, 1990
Senate concurred 4/5 (p. 1568)

S.F. 2349

1 Section 1. Section 805.8, subsection 4, paragraph a, Code
2 Supplement 1989, is amended to read as follows:

3 a. For registration ~~and-identification~~ violations under
4 sections section 321G.3 and-321G-5, the scheduled fine is five
5 twenty dollars. When the scheduled fine is paid, the violator
6 shall submit sufficient proof that a valid registration has
7 been obtained.

8 Sec. 2. Section 805.8, subsection 4, Code Supplement 1989,
9 is amended by adding the following new paragraph:

10 NEW PARAGRAPH. e. For identification violations under
11 section 321G.5, the scheduled fine is ten dollars.

12 Sec. 3. Section 805.8, subsection 5, Code 1989, is amended
13 by striking the subsection and inserting in lieu thereof the
14 following:

15 5. Fish and game law violations.

16 a. For violations of section 110B.2, the scheduled fine is
17 ten dollars.

18 b. For violations of sections 109.54, 109.69, 109.71,
*19 109.72, 109B.6, 110.3, 110.6, 110.19, and 110.27, the
20 scheduled fine is twenty dollars.

21 c. For violations of sections 109.6, 109.21, 109.22,
22 109.24, 109.26, 109.50, 109.56, 109.60 through 109.62, 109.82,
23 109.83, 109.84, 109.92, 109.123, 109B.7, 110.7, 110.8, 110.23,
24 and 110.24, the scheduled fine is twenty-five dollars.

25 d. For violations of sections 109.7, 109.47, 109.52,
26 109.53, 109.55, 109.58, 109.63, 109.64, 109.76, 109.81,
27 109.90, 109.91, 109.97, 109.122, 109.126, 109B.8, and 110.37,
28 the scheduled fine is fifty dollars.

29 e. For violations of sections 109.85, 109.93, 109.95,
30 109.120, 109A.5, 109B.3, and 109B.9, the scheduled fine is one
31 hundred dollars.

32 f. For violations of section 109.38 relating to the
33 taking, pursuing, killing, trapping or ensnaring, buying,
34 selling, possessing, or transporting any game, protected
35 nongame animals, furbearing animals, or fur or skin of the

1 animals, mussels, frogs, or fish or part of them, the
2 scheduled fines are as follows:

3 (1) For deer or turkey, the scheduled fine is one hundred
4 dollars.

5 (2) For protected nongame, the scheduled fine is one
6 hundred dollars.

7 (3) For mussels, frogs, spawn, or fish, the scheduled fine
8 is twenty-five dollars.

9 (4) Other game, the scheduled fine is fifty dollars.

10 (5) For furbearing animals, the scheduled fine is seventy-
11 five dollars.

12 g. For violations of section 109.38 relating to an attempt
13 to take, pursue, kill, trap, buy, sell, possess, or transport
14 any game, protected nongame animals, furbearing animals, or
15 fur or skin of the animals, mussels, frogs, or fish or part of
16 them, the scheduled fines are as follows:

17 (1) For game or furbearing animals, the scheduled fine is
18 fifty dollars.

19 (2) For protected nongame, the scheduled fine is fifty
20 dollars.

21 (3) For mussels, frogs, spawn, or fish, the scheduled fine
22 is ten dollars.

23 h. For violations of section 109.48 relating to
24 restrictions on game birds and animals, the scheduled fines
25 are as follows:

26 (1) Out-of-season, the scheduled fine is one hundred
27 dollars.

28 (2) Over limit, the scheduled fine is one hundred dollars.

29 (3) Attempt to take, the scheduled fine is fifty dollars.

30 (4) General waterfowl restrictions, the scheduled fine is
31 fifty dollars.

32 (a) No federal stamp, the scheduled fine is fifty dollars.

33 (b) Unplugged shotgun, the scheduled fine is ten dollars.

34 (c) Possession of other than steel shot, the scheduled
35 fine is twenty-five dollars.

- 1 (d) Early or late shooting, the scheduled fine is twenty-
2 five dollars.
- 3 i. For violations of section 109.67 relating to general
4 violations of fishing laws, the scheduled fine is twenty-five
5 dollars.
- 6 (1) For over limit catch, the scheduled fine is thirty
7 dollars.
- 8 (2) For under minimum length or weight, the scheduled fine
9 is twenty dollars.
- 10 (3) For out-of-season fishing, the scheduled fine is fifty
11 dollars.
- 12 j. For violations of section 109.73 relating to trotlines
13 and throwlines:
- 14 (1) For trotline or throwline violations in legal waters,
15 the scheduled fine is twenty-five dollars.
- 16 (2) For trotline or throwline violations in illegal
17 waters, the scheduled fine is fifty dollars.
- 18 k. For violations of section 109.80 relating to minnows:
- 19 (1) For general minnow violations, the scheduled fine is
20 twenty-five dollars.
- 21 (2) For commercial purposes, the scheduled fine is fifty
22 dollars.
- 23 l. For violations of section 109.87 relating to the taking
24 or possessing of furbearing animals out of season:
- 25 (1) For red fox, gray fox, or mink, the scheduled fine is
26 one hundred dollars.
- 27 (2) For all other furbearers, the scheduled fine is fifty
28 dollars.
- 29 m. For violations of section 109B.4 relating to gear tags:
- 30 (1) For commercial license violations, the scheduled fine
31 is one hundred dollars.
- 32 (2) For no gear tags, the scheduled fine is twenty-five
33 dollars.
- 34 n. For violations of section 109B.11 relating to turtles:
- 35 (1) For commercial turtle violations, the scheduled fine

- 1 is one hundred dollars.
- 2 (2) For sport turtle violations, the scheduled fine is
- 3 fifty dollars.
- 4 o. For violations of section 109B.12 relating to mussels:
- 5 (1) For commercial mussel violations, the scheduled fine
- 6 is one hundred dollars.
- 7 (2) For sport mussel violations, the scheduled fine is
- 8 fifty dollars.
- 9 p. For violations of section 110.1 relating to licenses
- 10 and permits, the scheduled fines are as follows:
- 11 (1) For a license or permit costing ten dollars or less,
- 12 the scheduled fine is twenty dollars.
- 13 (2) For a license or permit costing more than ten dollars
- 14 but not more than twenty dollars, the scheduled fine is thirty
- 15 dollars.
- 16 (3) For a license or permit costing more than twenty
- 17 dollars but not more than forty dollars, the scheduled fine is
- 18 fifty dollars.
- 19 (4) For a license or permit costing more than forty
- 20 dollars but not more than fifty dollars, the scheduled fine is
- 21 seventy dollars.
- 22 (5) For a license or permit costing more than fifty
- 23 dollars, the scheduled fine is one hundred dollars.
- 24 q. For violations of section 110.26 relating to false
- 25 claims for licenses:
- 26 (1) For making a false claim for a license by a resident,
- 27 the scheduled fine is fifty dollars.
- 28 (2) For making a false claim for a license by a
- 29 nonresident, the scheduled fine is one hundred dollars.
- 30 r. For violations of section 110.36 relating to the
- 31 conveyance of guns:
- 32 (1) For conveying an assembled, unloaded gun, the
- 33 scheduled fine is twenty-five dollars.
- 34 (2) For conveying a loaded gun, the scheduled fine is
- 35 fifty dollars.

1 Sec. 4. Section 805.8, subsection 6, Code 1989, is amended
2 by adding the following new paragraphs:

3 NEW PARAGRAPH. c. For violations of section 111.44, the
4 scheduled fine is fifty dollars.

5 NEW PARAGRAPH. d. For violations of section 111.48, the
6 scheduled fine is twenty-five dollars.

7 Sec. 5. Section 805.10, Code Supplement 1989, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 3. When the violation charged involves
10 the taking of an animal for which there is a civil damage
11 assessment in addition to a criminal penalty.

12 Sec. 6. Section 109.6, Code 1989, is amended to read as
13 follows:

14 109.6 GAME MANAGEMENT AREA.

15 The commission may establish a game management area upon
16 any public lands or waters, or with the consent of the owner
17 thereof upon any private lands or waters, when necessary to
18 maintain a biological balance as provided in section 109.39 or
19 to provide for public hunting, fishing, or trapping in
20 conformity with sound wildlife management; and when a game
21 management area is established, the commission shall with the
22 consent of ~~such~~ the owner, if any, have the right to post and
23 prohibit, and to regulate or limit ~~such~~ the lands or waters
24 against trespassing, hunting, fishing, or trapping, and any
25 violation thereof ~~shall be~~ of the regulations is unlawful and
26 ~~punishable as provided in section 109.32.~~ However, the
27 commission shall not regulate or prohibit the taking of
28 Canadian geese within a game management area in Jackson county
29 in any manner which is more restrictive than the limitations
30 which existed in that county during the calendar year 1989.

31 Sec. 7. Section 109.22, unnumbered paragraph 7, Code 1989,
32 is amended by striking the unnumbered paragraph.

33 Sec. 8. Section 110.26, Code 1989, is amended to read as
34 follows:

35 110.26 FALSE CLAIMS.

1 A nonresident shall not obtain a resident license by
2 falsely claiming residency in the state. The presumptions and
3 provisions of section 321.1A~~7~~ relating to residency shall
4 apply to licenses under this chapter. The use of a license by
5 a person other than the person to whom the license is issued
6 is unlawful and ~~shall nullify~~ nullifies the license. A
7 ~~resident-or-nonresident-who-violates-this-section-is-guilty-of~~
8 ~~a-simple-misdemeanor.~~

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DOYLE, W.
KIBBIE
RENSINK

SSB 2251
NATURAL RESOURCES

SENATE FILE 2349
BY (PROPOSED COMMITTEE ON NATURAL
RESOURCES BILL BY CHAIR-
PERSON SCOTT)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating scheduled fines and court procedures for certain
2 violations of snowmobile and all-terrain vehicle regulations,
3 game and fish regulations, and parks.

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

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13 by striking the subsection and inserting in lieu thereof the
14 following:

15 5. Fish and game law violations.

16 a. For violations of section 110B.2, the scheduled fine is
17 ten dollars.

18 b. For violations of sections 109.54, 109.69, 109.71,
19 109.72, 109.122, 109B.6, 110.3, 110.6, 110.19, and 110.27, the
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24 and 110.24, the scheduled fine is twenty-five dollars.

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35 nongame animals, furbearing animals, or fur or skin of the

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2 scheduled fines are as follows:

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4 dollars.

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6 hundred dollars.

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8 is twenty-five dollars.

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11 five dollars.

12 g. For violations of section 109.38 relating to an attempt
13 to take, pursue, kill, trap, buy, sell, possess, or transport
14 any game, protected nongame animals, furbearing animals, or
15 fur or skin of the animals, mussels, frogs, or fish or part of
16 them, the scheduled fines are as follows:

17 (1) For game or furbearing animals, the scheduled fine is
18 fifty dollars.

19 (2) For protected nongame, the scheduled fine is fifty
20 dollars.

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22 is ten dollars.

23 h. For violations of section 109.48 relating to
24 restrictions on game birds and animals, the scheduled fines
25 are as follows:

26 (1) Out-of-season, the scheduled fine is one hundred
27 dollars.

28 (2) Over limit, the scheduled fine is one hundred dollars.

29 (3) Attempt to take, the scheduled fine is fifty dollars.

30 (4) General waterfowl restrictions, the scheduled fine is
31 fifty dollars.

32 (a) No federal stamp, the scheduled fine is fifty dollars.

33 (b) Unplugged shotgun, the scheduled fine is ten dollars.

34 (c) Possession of other than steel shot, the scheduled
35 fine is twenty-five dollars.

1 (d) Early or late shooting, the scheduled fine is twenty-
2 five dollars.

3 i. For violations of section 109.67 relating to general
4 violations of fishing laws, the scheduled fine is twenty-five
5 dollars.

6 (1) For over limit catch, the scheduled fine is thirty
7 dollars.

8 (2) For under minimum length or weight, the scheduled fine
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18 k. For violations of section 109.80 relating to minnows:

19 (1) For general minnow violations, the scheduled fine is
20 twenty-five dollars.

21 (2) For commercial purposes, the scheduled fine is fifty
22 dollars.

23 l. For violations of section 109.87 relating to the taking
24 or possessing of furbearing animals out of season:

25 (1) For red fox, gray fox, or mink, the scheduled fine is
26 one hundred dollars.

27 (2) For all other furbearers, the scheduled fine is fifty
28 dollars.

29 m. For violations of section 109B.4 relating to gear tags:

30 (1) For commercial license violations, the scheduled fine
31 is one hundred dollars.

32 (2) For no gear tags, the scheduled fine is twenty-five
33 dollars.

34 n. For violations of section 109B.11 relating to turtles:

35 (1) For commercial turtle violations, the scheduled fine

1 is one hundred dollars.

2 (2) For sport turtle violations, the scheduled fine is
3 fifty dollars.

4 o. For violations of section 109B.12 relating to mussels:

5 (1) For commercial mussel violations, the scheduled fine
6 is one hundred dollars.

7 (2) For sport mussel violations, the scheduled fine is
8 fifty dollars.

9 p. For violations of section 110.1 relating to licenses
10 and permits, the scheduled fines are as follows:

11 (1) For a license or permit costing ten dollars or less,
12 the scheduled fine is twenty dollars.

13 (2) For a license or permit costing more than ten dollars
14 but not more than twenty dollars, the scheduled fine is thirty
15 dollars.

16 (3) For a license or permit costing more than twenty
17 dollars but not more than forty dollars, the scheduled fine is
18 fifty dollars.

19 (4) For a license or permit costing more than forty
20 dollars but not more than fifty dollars, the scheduled fine is
21 seventy dollars.

22 (5) For a license or permit costing more than fifty
23 dollars, the scheduled fine is one hundred dollars.

24 q. For violations of section 110.26 relating to false
25 claims for licenses:

26 (1) For making a false claim for a license by a resident,
27 the scheduled fine is fifty dollars.

28 (2) For making a false claim for a license by a
29 nonresident, the scheduled fine is one hundred dollars.

30 r. For violations of section 110.36 relating to the
31 conveyance of guns:

32 (1) For conveying an assembled, unloaded gun, the
33 scheduled fine is twenty-five dollars.

34 (2) For conveying a loaded gun, the scheduled fine is
35 fifty dollars.

1 Sec. 4. Section 805.8, subsection 6, Code 1989, is amended
2 by adding the following new paragraphs:

3 NEW PARAGRAPH. c. For violations of section 111.44, the
4 scheduled fine is fifty dollars.

5 NEW PARAGRAPH. d. For violations of section 111.48, the
6 scheduled fine is twenty-five dollars.

7 Sec. 5. Section 805.10, Code Supplement 1989, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 3. When the violation charged involves
10 the taking of an animal for which there is a civil damage
11 assessment in addition to a criminal penalty.

12 Sec. 6. Section 109.6, Code 1989, is amended to read as
13 follows:

14 109.6 GAME MANAGEMENT AREA.

15 The commission may establish a game management area upon
16 any public lands or waters, or with the consent of the owner
17 thereof upon any private lands or waters, when necessary to
18 maintain a biological balance as provided in section 109.39 or
19 to provide for public hunting, fishing, or trapping in
20 conformity with sound wildlife management; and when a game
21 management area is established, the commission shall with the
22 consent of such the owner, if any, have the right to post and
23 prohibit, and to regulate or limit such the lands or waters
24 against trespassing, hunting, fishing, or trapping, and any
25 violation thereof-shall-be of the regulations is unlawful and
26 punishable-as-provided-in-section-109-32.

27 Sec. 7. Section 109.22, unnumbered paragraph 7, Code 1989,
28 is amended by striking the unnumbered paragraph.

29 Sec. 8. Section 110.26, Code 1989, is amended to read as
30 follows:

31 110.26 FALSE CLAIMS.

32 A nonresident shall not obtain a resident license by
33 falsely claiming residency in the state. The presumptions and
34 provisions of section 321.1A, relating to residency shall
35 apply to licenses under this chapter. The use of a license by

1 a person other than the person to whom the license is issued
2 is unlawful and ~~shall nullify~~ nullifies the license. A
3 ~~resident-or-nonresident-who-violates-this-section-is-guilty-of~~
4 ~~a-simple-misdemeanor.~~

5 EXPLANATION

6 This bill provides scheduled fines for violations of many
7 provisions of chapters 109, 109A, 109B, 110, 111, and 321G.
8 These chapters relate to game and fish laws, parks, and
9 snowmobile regulations. The scheduled violation and fine
10 procedures will be used in lieu of procedures used for other
11 simple misdemeanor prosecutions. The fines are in addition to
12 court costs and surcharges which are added to most scheduled
13 fines.

14 The bill also requires a violator to give sufficient proof
15 that a valid snowmobile or all-terrain vehicle registration
16 has been obtained when the fine is paid for operating without
17 a valid registration.

18 Also, a court appearance will be required when an animal is
19 taken illegally and civil damages are assessed along with
20 criminal penalties.

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SENATE FILE 2349

AN ACT

RELATING TO SCHEDULED FINES AND COURT PROCEDURES FOR CERTAIN VIOLATIONS OF SNOWMOBILE AND ALL-TERRAIN VEHICLE REGULATIONS, GAME AND FISH REGULATIONS, AND PARKS.

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

Section 1. Section 805.8, subsection 4, paragraph a, Code Supplement 1989, is amended to read as follows:

a. For registration and-identification violations under sections section 321G.3 and 321G.5, the scheduled fine is five twenty dollars. When the scheduled fine is paid, the violator shall submit sufficient proof that a valid registration has been obtained.

Sec. 2. Section 805.8, subsection 4, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. For identification violations under section 321G.5, the scheduled fine is ten dollars.

Sec. 3. Section 805.8, subsection 5, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

5. Fish and game law violations.

a. For violations of section 110B.2, the scheduled fine is ten dollars.

b. For violations of sections 109.54, 109.69, 109.71, 109.72, 109B.6, 110.3, 110.6, 110.19, and 110.27, the scheduled fine is twenty dollars.

c. For violations of sections 109.6, 109.21, 109.22, 109.24, 109.26, 109.50, 109.56, 109.60 through 109.62, 109.82, 109.83, 109.84, 109.92, 109.123, 109B.7, 110.7, 110.8, 110.23, and 110.24, the scheduled fine is twenty-five dollars.

d. For violations of sections 109.7, 109.47, 109.52, 109.53, 109.55, 109.58, 109.63, 109.64, 109.76, 109.81, 109.90, 109.91, 109.97, 109.122, 109.126, 109B.8, and 110.37, the scheduled fine is fifty dollars.

e. For violations of sections 109.85, 109.93, 109.95, 109.120, 109A.5, 109B.3, and 109B.9, the scheduled fine is one hundred dollars.

f. For violations of section 109.38 relating to the taking, pursuing, killing, trapping or ensnaring, buying, selling, possessing, or transporting any game, protected nongame animals, furbearing animals, or fur or skin of the animals, mussels, frogs, or fish or part of them, the scheduled fines are as follows:

(1) For deer or turkey, the scheduled fine is one hundred dollars.

(2) For protected nongame, the scheduled fine is one hundred dollars.

(3) For mussels, frogs, spawn, or fish, the scheduled fine is twenty-five dollars.

(4) Other game, the scheduled fine is fifty dollars.

(5) For furbearing animals, the scheduled fine is seventy-five dollars.

g. For violations of section 109.38 relating to an attempt to take, pursue, kill, trap, buy, sell, possess, or transport any game, protected nongame animals, furbearing animals, or fur or skin of the animals, mussels, frogs, or fish or part of them, the scheduled fines are as follows:

(1) For game or furbearing animals, the scheduled fine is fifty dollars.

(2) For protected nongame, the scheduled fine is fifty dollars.

(3) For mussels, frogs, spawn, or fish, the scheduled fine is ten dollars.

h. For violations of section 109.48 relating to restrictions on game birds and animals, the scheduled fines are as follows:

(1) Out-of-season, the scheduled fine is one hundred dollars.

(2) Over limit, the scheduled fine is one hundred dollars.

(3) Attempt to take, the scheduled fine is fifty dollars.

(4) General waterfowl restrictions, the scheduled fine is fifty dollars.

(a) No federal stamp, the scheduled fine is fifty dollars.

(b) Unplugged shotgun, the scheduled fine is ten dollars.

(c) Possession of other than steel shot, the scheduled fine is twenty-five dollars.

(d) Early or late shooting, the scheduled fine is twenty-five dollars.

i. For violations of section 109.67 relating to general violations of fishing laws, the scheduled fine is twenty-five dollars.

(1) For over limit catch, the scheduled fine is thirty dollars.

(2) For under minimum length or weight, the scheduled fine is twenty dollars.

(3) For out-of-season fishing, the scheduled fine is fifty dollars.

j. For violations of section 109.73 relating to trotlines and throwlines:

(1) For trotline or throwline violations in legal waters, the scheduled fine is twenty-five dollars.

(2) For trotline or throwline violations in illegal waters, the scheduled fine is fifty dollars.

k. For violations of section 109.80 relating to minnows:

(1) For general minnow violations, the scheduled fine is twenty-five dollars.

(2) For commercial purposes, the scheduled fine is fifty dollars.

l. For violations of section 109.87 relating to the taking or possessing of furbearing animals out of season:

(1) For red fox, gray fox, or mink, the scheduled fine is one hundred dollars.

(2) For all other furbearers, the scheduled fine is fifty dollars.

m. For violations of section 109B.4 relating to gear tags:

(1) For commercial license violations, the scheduled fine is one hundred dollars.

(2) For no gear tags, the scheduled fine is twenty-five dollars.

n. For violations of section 109B.11 relating to turtles:

(1) For commercial turtle violations, the scheduled fine is one hundred dollars.

(2) For sport turtle violations, the scheduled fine is fifty dollars.

o. For violations of section 109B.12 relating to mussels:

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The commission may establish a game management area upon any public lands or waters, or with the consent of the owner thereof upon any private lands or waters, when necessary to maintain a biological balance as provided in section 109.39 or to provide for public hunting, fishing, or trapping in conformity with sound wildlife management; and when a game management area is established, the commission shall with the consent of such the owner, if any, have the right to post and prohibit, and to regulate or limit such the lands or waters against trespassing, hunting, fishing, or trapping, and any violation thereof ~~shall be~~ of the regulations is unlawful and ~~punishable as provided in section 109.32.~~

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110.26 FALSE CLAIMS.

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a person other than the person to whom the license is issued is unlawful and ~~shall nullify~~ nullifies the license. A ~~resident-or-nonresident-who-violates-this-section-is-guilty-of-a-simple-misdemeanor.~~

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2349, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved Sept 30, 1990

TERRY E. BRANSTAD
Governor