

Reprinted

FILED FEB 06 1992

SENATE FILE 2108
BY COMMITTEE ON NATURAL
RESOURCES

Approved (p. 221)

(SUCCESSOR TO SSB 2080)

Passed Senate, Date 2/11/92 (p. 544) Passed House, Date 3/30/92 (P. 913)
Vote: Ayes 47 Nays 0 Vote: Ayes 98 Nays 0

Approved April 21, 1992

*Meeting to amend 2/11 (276)
approved 2/25 (p. 532)*

*Reprinted Senate 2/28/92 (p. 537)
ayes 48, nays 0*

A BILL FOR

- 1 An Act relating to the registration and use of boats and
- 2 motorboats.

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

SENATE FILE 2108

S-5093

- 1 Amend Senate File 2108 as follows:
- 2 1. Page 1, by striking lines 20 through 29 and
- 3 inserting the following: "lake under the jurisdiction
- 4 of the commission except the following:
- 5 a. A motorboat equipped with one or more outboard
- 6 battery operated electric trolling motor ~~or~~ ~~at~~ ~~least~~ ~~more~~
- 7 ~~than one and one-half-horsepower~~ motors.
- 8 b. A motorboat equipped with any power unit
- 9 mounted or carried aboard the vessel may be operated
- 10 at a no-wake speed on all artificial lakes of more
- 11 than one hundred acres in size under the custody of
- 12 the department. However, on Big Creek lake and lake
- 13 Macbride, a motorboat with a".

By EMIL J. HUSAK

S-5093 FILED FEBRUARY 24, 1992

Adopted 2/28/92 (p. 537)

SF 2108

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1 Section 1. Section 106.5, subsection 3, unnumbered
2 paragraph 3, Code 1991, is amended to read as follows:

3 If a timely application for renewal is made, the applicant
4 shall receive the same registration number allocated to the
5 applicant for the previous registration period. If the
6 application for registration for the biennium is not made
7 before May 1 of each odd-numbered year, the applicant shall be
8 charged a penalty of two five dollars ~~for each six months, or~~
9 ~~any portion thereof, the applicant is delinquent.~~ Provided
10 ~~that if a registration is not renewed for two consecutive~~
11 ~~registration periods, the number of the delinquent~~
12 ~~registration may be assigned to another person, and upon~~
13 ~~application for registration by the delinquent registrant, the~~
14 ~~delinquent registrant shall be assigned a new registration~~
15 ~~number and shall not be charged any penalties.~~

16 Sec. 2. Section 106.31, subsection 1, Code 1991, is
17 amended to read as follows:

18 1. Except as provided in special rules adopted under this
19 chapter, a motorboat shall not be permitted on any artificial
20 lake under the jurisdiction of the commission ~~except the~~
21 ~~following:~~

22 a:--A motorboat equipped with one outboard battery-operated
23 electric trolling motor of not more than one and one-half
24 horsepower:

25 b:--A However, a motorboat equipped with any power unit
26 mounted or carried aboard the vessel may be operated at a no-
27 wake speed on all artificial lakes of more than one hundred
28 acres in size under the custody of the department;--However,
29 and on Big Creek lake and lake Macbride, a motorboat with a
30 power unit exceeding ten horsepower may be operated only when
31 permitted by rule and, but the rule shall not authorize such
32 the use during the period beginning on the Friday before
33 Memorial Day and ending on Labor Day inclusively. This
34 paragraph does not limit motorboat horsepower on natural lakes
35 under the custody of the department or limit the department's

1 authority to establish special speed zoning regulations.

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EXPLANATION

3 This bill provides for a penalty fee of \$5 for delinquent
4 boat registrations. Currently the penalty fee is \$2 for each
5 six months of delinquency.

6 The bill also strikes the provision which restricts the use
7 of electric trolling motors to one and one-half horsepower for
8 boats operating on artificial lakes.

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SENATE FILE 2108
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO SSB 2080)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 28, 1992)

~~_____~~ - New Language by the Senate

~~Re~~ Passed Senate, Date 4/6/92 (p. 1221) Passed House, Date 3/30/92 (p. 913)
Vote: Ayes 48 Nays 0 Vote: Ayes 98 Nays 0
Approved April 21, 1992 (p. 1530)

A BILL FOR

5784 1 An Act relating to the registration and use of boats and
2 motorboats.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2108

1 Section 1. Section 106.5, subsection 3, unnumbered
2 paragraph 3, Code 1991, is amended to read as follows:

3 If a timely application for renewal is made, the applicant
4 shall receive the same registration number allocated to the
5 applicant for the previous registration period. If the
6 application for registration for the biennium is not made
7 before May 1 of each odd-numbered year, the applicant shall be
8 charged a penalty of ~~two~~ five dollars ~~for each six months, or~~
9 ~~any portion thereof, the applicant is delinquent.~~ Provided
10 ~~that if a registration is not renewed for two consecutive~~
11 ~~registration periods, the number of the delinquent~~
12 ~~registration may be assigned to another person, and upon~~
13 ~~application for registration by the delinquent registrant, the~~
14 ~~delinquent registrant shall be assigned a new registration~~
15 ~~number and shall not be charged any penalties.~~

5147
16 Sec. 2. Section 106.31, subsection 1, Code 1991, is
17 amended to read as follows:

18 1. Except as provided in special rules adopted under this
19 chapter, a motorboat shall not be permitted on any artificial
20 lake under the jurisdiction of the commission except the
21 following:

22 a. A motorboat equipped with one or more outboard battery
23 operated electric trolling motor ~~is not more than one and one-~~
24 half-horsepower motors.

25 b. A motorboat equipped with any power unit mounted or
26 carried aboard the vessel may be operated at a no-wake speed
27 on all artificial lakes of more than one hundred acres in size
28 under the custody of the department. However, on Big Creek
29 lake and lake Macbride, a motorboat with a power unit
30 exceeding ten horsepower may be operated only when permitted
31 by rule and, but the rule shall not authorize such the use
32 during the period beginning on the Friday before Memorial Day
33 and ending on Labor Day inclusively. This paragraph does not
34 limit motorboat horsepower on natural lakes under the custody
35 of the department or limit the department's authority to

1 establish special speed zoning regulations.

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SENATE FILE 2108

H-5184

1 Amend Senate File 2108, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 15, the
4 following:

5 "Sec. ____ . Section 106.14, Code 1991, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 106.14 OPERATING A WATERCRAFT WHILE INTOXICATED --
9 IMPLIED CONSENT TO TEST.

10 1. As used in this section:

11 a. "Chemical test" means an analysis of a person's
12 blood, breath, urine, or other bodily substance for
13 the determination of the presence of alcohol, a
14 controlled substance, or a drug.

15 b. "Controlled substance" means controlled
16 substance as defined in section 204.101.

17 c. "Intoxicated" means the condition of a person
18 who is under the influence of alcohol, a controlled
19 substance, a drug other than alcohol or a controlled
20 substance, or any combination of alcohol, a controlled
21 substance, a drug other than alcohol or a controlled
22 substance, or a drug, which impairs thought and action
23 and loss of normal control of the person's faculties
24 to an extent which endangers a person.

25 d. "Peace officer" means peace officer as defined
26 in section 801.4.

27 e. "Prima facie evidence of intoxication" includes
28 evidence that, at the time of an alleged violation, a
29 person had an alcohol concentration equal to or in
30 excess of the level specified in section 321J.2,
31 subsection 1, paragraph "b".

32 f. "Relevant evidence of intoxication" includes
33 evidence that, at the time of the alleged violation, a
34 person had an alcohol concentration of at least one-
35 half, but not more than, the level specified in
36 section 321J.2, subsection 1, paragraph "b".

37 g. "Watercraft" means a device for transportation
38 by water including a vessel, water skis, surfboard, or
39 similar device.

40 2. a. A person who operates a watercraft while
41 having an alcohol concentration equal to or in excess
42 of the level specified in section 321J.2, subsection
43 1, paragraph "b", or while intoxicated, commits an
44 aggravated misdemeanor.

45 b. A person who violates this section commits a
46 class "D" felony in either of the following cases:

47 (1) If the person has a previous conviction under
48 this section.

49 (2) If the offense results in serious bodily
50 injury to another person and the court determines that

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Page 2

1 the person who committed the offense caused the
2 serious injury.

3 c. A person who violates this section commits a
4 class "C" felony if the crime results in the death of
5 another person and the court determines that the
6 person who committed the offense caused the death.

7 d. A person who operates a watercraft after the
8 person has been ordered, pursuant to this section, not
9 to operate a watercraft commits a simple misdemeanor.

10 3. a. In addition to a criminal penalty imposed
11 for a misdemeanor under this section, the court shall
12 order the person not to operate a watercraft for at
13 least one year.

14 b. In addition to a criminal penalty imposed for a
15 felony under this section, the court shall order the
16 person not to operate a watercraft for at least two
17 years.

18 4. a. A person who operates a watercraft in
19 waters over which this state has jurisdiction
20 impliedly consents to submit to the chemical test
21 provisions of this section as a condition of operating
22 a watercraft in this state. If a person refuses to
23 submit to a chemical test under this section, the
24 court shall order the person not to operate a
25 watercraft for at least one year.

26 b. A peace officer who has probable cause to
27 believe that a person has committed an offense under
28 this section shall offer the person the opportunity to
29 submit to a chemical test. However, it is not
30 necessary for the peace officer to offer a chemical
31 test to an unconscious person. A peace officer may
32 offer a person more than one chemical test under this
33 section. However, all tests must be administered
34 within three hours after the officer had probable
35 cause to believe the person violated this section. A
36 person must submit to each chemical test offered by a
37 peace officer in order to comply with the implied
38 consent provisions of this section.

39 c. If the chemical test results in relevant
40 evidence that the person is intoxicated, the person
41 may be arrested for an offense under this section. If
42 the chemical test results in prima facie evidence that
43 the person is intoxicated, the person shall be
44 arrested for an offense under this section.

45 d. A person who refuses to submit to a chemical
46 test may be arrested for an offense under this
47 section.

48 e. At any proceeding under this section, a
49 person's refusal to submit to a chemical test is
50 admissible into evidence.

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Page 3

1 f. If a person refuses to submit to a chemical
2 test under this section, the peace officer shall
3 inform the person that the person's refusal will
4 result in the suspension of the person's watercraft
5 operation privileges.

6 5. At any proceeding concerning an offense under
7 this section, evidence of the amount by weight of
8 alcohol that was in the blood of the person charged
9 with the offense at the time of the alleged violation,
10 as shown by an analysis of the person's blood, breath,
11 urine, or other bodily substance, is admissible."

12 2. Title page, line 2, by inserting after the
13 word "motorboats" the following: ", and providing
14 penalties".

15 3. By renumbering sections.

By GARMAN of Story

H-5184 FILED MARCH 3, 1992

Del. and Garmann 2/30 (7.9.13)

SENATE FILE 2108

H-5519

1 Amend Senate File 2108, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 16 through 21 and
4 inserting the following:

5 "Sec. ____ . Section 106.31, subsection 1,
6 unnumbered paragraph 1, Code 1991, is amended to read
7 as follows:

8 Except as provided in special rules adopted under
9 this chapter, a motorboat shall not be permitted on
10 any artificial lake under the jurisdiction of the
11 commission except the following:

12 Sec. ____ . Section 106.31, subsection 1, paragraph
13 a, Code 1991, is amended to read as follows:"

14 2. By striking page 1, line 25, through page 2,
15 line 1.

16 3. By renumbering as necessary.

By COMMITTEE ON NATURAL RESOURCES
AND OUTDOOR RECREATION
BLACK of Jasper, Chairperson

H-5519 FILED MARCH 25, 1992

Adopted 3/30/92 (p. 910)

HOUSE AMENDMENT TO
SENATE FILE 2108

S-5478

1 Amend Senate File 2108, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 16 through 21 and
4 inserting the following:

5 "Sec. ____ . Section 106.31, subsection 1,
6 unnumbered paragraph 1, Code 1991, is amended to read
7 as follows:

8 Except as provided in special rules adopted under
9 this chapter, a motorboat shall not be permitted on
10 any artificial lake under the jurisdiction of the
11 commission except the following:

12 Sec. ____ . Section 106.31, subsection 1, paragraph
13 a, Code 1991, is amended to read as follows:"

14 2. By striking page 1, line 25, through page 2,
15 line 1.

16 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5478 FILED APRIL 1, 1992

KIBBIE, CH.
SURGEON
RENSINK

SSB 2080
NATURAL RESOURCES NOW-

SENATE/HOUSE FILE 2108
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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

A BILL FOR

1 An Act relating to the registration and use of boats and
2 motorboats.

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

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6 application for registration for the biennium is not made
7 before May 1 of each odd-numbered year, the applicant shall be
8 charged a penalty of ~~two~~ five dollars ~~for each six months, or~~
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16 Sec. 2. Section 106.31, subsection 1, Code 1991, is
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18 1. Except as provided in special rules adopted under this
19 chapter, a motorboat shall not be permitted on any artificial
20 lake under the jurisdiction of the commission ~~except the~~
21 ~~following.~~

22 a.--A motorboat equipped with one outboard battery-operated
23 electric trolling motor of not more than one and one-half
24 horsepower.

25 b.--A However, a motorboat equipped with any power unit
26 mounted or carried aboard the vessel may be operated at a no-
27 wake speed on all artificial lakes of more than one hundred
28 acres in size under the custody of the department.--However,
29 and on Big Creek lake and lake Macbride, a motorboat with a
30 power unit exceeding ten horsepower may be operated only when
31 permitted by rule and, but the rule shall not authorize such
32 the use during the period beginning on the Friday before
33 Memorial Day and ending on Labor Day inclusively. This
34 paragraph does not limit motorboat horsepower on natural lakes
35 under the custody of the department or limit the department's

1 authority to establish special speed zoning regulations.

2

EXPLANATION

3 This bill provides for a penalty fee of \$5 for delinquent
4 boat registrations. Currently the penalty fee is \$2 for each
5 six months of delinquency.

6 The bill also strikes the provision which restricts the use
7 of electric trolling motors to one and one-half horsepower for
8 boats operating on artificial lakes.

9

BACKGROUND STATEMENT

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SUBMITTED BY THE AGENCY

11 The department of natural resources recommends the
12 elimination of the restriction on the use of electric motors
13 to one and one-half horsepower for boats operating on
14 artificial lakes because the only two electric motors rated in
15 horsepower are three and four horsepower motors. All other
16 electric motors are rated in pounds of thrust.

17 The department also recommends a \$5 penalty fee for
18 delinquent boat registration to match the penalty structure of
19 snowmobile registrations.

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a. A motorboat equipped with one or more outboard battery operated electric trolling motor-of-not-more-than-one-and-one-half-horsepower motors.

SENATE FILE 2108

AN ACT

RELATING TO THE REGISTRATION AND USE OF BOATS AND MOTORBOATS.

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

Section 1. Section 106.5, subsection 3, unnumbered paragraph 3, Code 1991, is amended to read as follows:

If a timely application for renewal is made, the applicant shall receive the same registration number allocated to the applicant for the previous registration period. If the application for registration for the biennium is not made before May 1 of each odd-numbered year, the applicant shall be charged a penalty of two five dollars for each six months, or any portion thereof, the applicant is delinquent. ~~Provided that if a registration is not renewed for two consecutive registration periods, the number of the delinquent registration may be assigned to another person, and upon application for registration by the delinquent registrant, the delinquent registrant shall be assigned a new registration number and shall not be charged any penalties.~~

Sec. 2. Section 106.31, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Except as provided in special rules adopted under this chapter, a motorboat shall not be permitted on any artificial lake under the jurisdiction of the commission except the following:

Sec. 3. Section 106.31, subsection 1, paragraph a, Code 1991, is amended to read as follows:

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2108, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 21, 1992

TERRY E. BRANSTAD
Governor