

1-13-97 Nat. Res. & Environment

FILED JAN 13 1997

SENATE FILE 2
BY KIBBIE

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

A BILL FOR

1 An Act relating to water and ice vessel accident reports filed
2 with the natural resource commission of the department of
3 natural resources and providing for an effective date and the
4 Act's applicability.

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

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S.F. 2

1 Section 1. Section 462A.7, subsection 2, Code 1997, is
2 amended to read as follows:

3 2. Whenever any vessel is involved in a collision,
4 accident or casualty, except one which results only in
5 property damage not exceeding one five hundred dollars, a
6 report thereof shall be filed with the commission. The report
7 shall be filed by the operator of the vessel and shall contain
8 such information as the commission may, by rule, require.

9 ~~Said~~ The report shall be submitted without delay in death or
10 disappearance cases and within five days in all other cases.

11 Sec. 2. Section 462A.7, subsection 4, Code 1997, is
12 amended to read as follows:

13 4. All reports shall be in writing, and the written report
14 shall be without prejudice to the individual ~~so-reporting-and~~
15 ~~shall be for the confidential use of the commission~~ who
16 submits the report. ~~However, upon request the commission~~
17 ~~shall disclose the identities of the persons on board the~~
18 ~~vessels involved in the occurrence and their addresses.~~ A
19 written report filed with the commission is a public record
20 and subject to examination, copying, and use as provided in
21 chapter 22, except that the report shall not be admissible in
22 or used in evidence in any civil or criminal action arising
23 out of the facts on which the report is based.

24 Sec. 3. EFFECTIVE DATE -- APPLICABILITY.

25 1. This Act, being deemed of immediate importance, takes
26 effect upon enactment.

27 2. Section 1 of this Act applies to written reports of
28 accidents involving water and ice vessel accidents occurring
29 on or after the effective date of this Act.

30 3. Section 2 of this Act is retroactively applicable to
31 January 1, 1995, for those water and ice vessel accident
32 reports filed with the department of natural resources on or
33 after that date.

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EXPLANATION

35 This bill provides that written reports of accidents

1 involving water or ice vessels, which are submitted to the
2 natural resource commission of the department of natural
3 resources, are open records and subject to public scrutiny.
4 The bill also increases from \$100 to \$500 the threshold amount
5 of property damage required before a report must be filed.

6 This bill takes effect upon enactment. Section 1 which
7 requires the filing of a vessel accident report if the damage
8 exceeds \$500, applies to accidents occurring on or after the
9 effective date of the bill. Section 2 which makes a vessel
10 accident report a public record open to public scrutiny, is
11 retroactive to January 1, 1995, for those accident reports
12 filed with the department of natural resources on or after
13 that date.

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