

1-15-97 Nat. Res. & Environ.

FILED JAN 15 1997

SENATE FILE 32
BY FREEMAN

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

A BILL FOR

1 An Act relating to the operation of watercraft by persons under
2 eighteen years of age, by creating a watercraft safety
3 education course, by subjecting violators to an existing
4 penalty, and by providing effective dates.

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

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S.F. 32

1 Section 1. Section 462A.12, subsection 6, Code 1997, is
2 amended to read as follows:

3 6. ~~No~~ An owner or operator of any vessel propelled by a
4 motor of more than six horsepower shall not permit any person
5 under twelve years of age to operate such the vessel except
6 ~~when accompanied by a responsible person of at least eighteen~~
7 ~~years of age who is experienced in motorboat operation.~~

8 Sec. 2. NEW SECTION. 462A.19 WATERCRAFT SAFETY EDUCATION
9 COURSE ESTABLISHED -- CERTIFICATION REQUIRED FOR CERTAIN
10 MINORS.

11 1. A person who is twelve years of age or older and less
12 than eighteen years of age, shall not operate a watercraft
13 unless the person has successfully completed a watercraft
14 safety education course approved by the commission. A
15 certification of completion indicating successful completion
16 of an approved watercraft safety education course shall not be
17 issued to a person who is less than twelve years of age. A
18 certificate of completion from an approved watercraft safety
19 education course issued by another state or by a province of
20 Canada, is valid for the requirements of this section if the
21 holder of the certificate is twelve years of age or older.

22 2. A certificate of completion shall be issued only to an
23 applicant who has met the age qualifications specified in
24 subsection 1 and has satisfactorily completed a minimum of
25 four hours of training in an approved watercraft safety
26 education course. The department shall establish the
27 curriculum for the first four hours of an approved watercraft
28 safety course. Upon completion of the four-hour curriculum
29 and passing the final examination by correctly answering
30 eighty-five percent or more of the questions, a certificate of
31 completion shall be awarded to an applicant.

32 3. The department shall provide a manual on watercraft
33 safety education which shall be used by all instructors and
34 persons receiving watercraft safety education in this state.

35 4. The department shall provide for the certification of

1 persons who wish to become watercraft safety education
2 instructors. A person shall not act as an instructor in
3 watercraft safety education as provided in this section
4 without first obtaining an instructor's certificate from the
5 department.

6 5. A public or private school or organization approved by
7 the department may cooperate with the department in providing
8 a course in watercraft safety education as provided in this
9 section.

10 6. The commission shall adopt rules in accordance with
11 chapter 17A as necessary to administer this section.

12 7. The initial watercraft safety certificate shall be
13 issued without cost. A duplicate certificate shall be issued
14 at the cost of five dollars.

15 8. A person who is required to obtain a watercraft safety
16 education certificate to lawfully operate a watercraft shall
17 exhibit a valid certificate of completion upon request of an
18 officer of the department.

19 9. A person violating this section is guilty of a simple
20 misdemeanor as provided in section 462A.13.

21 Sec. 3. EFFECTIVE DATES.

22 1. This Act, being deemed of immediate importance, takes
23 effect upon enactment.

24 2. Section 2 of this Act takes effect January 1, 1998,
25 except that, on and after the effective date of this Act, the
26 natural resource commission may adopt rules pertaining to the
27 establishment of a watercraft safety education course and the
28 department of natural resources may establish watercraft
29 safety education courses, publish a watercraft safety
30 education manual, certify instructors to teach the watercraft
31 safety education course, and issue certificates of completion
32 to qualified applicants. However, a person under eighteen
33 years of age shall not be required to possess and exhibit a
34 valid certificate of completion from a state approved
35 watercraft safety education course to operate a watercraft

1 before January 1, 1998.

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EXPLANATION

This bill provides that the natural resource commission and the department of natural resources establish a watercraft safety education program for all watercraft operators who are twelve years of age or older and less than eighteen years of age. The course of instruction must be a minimum of four hours and passing a final examination by correctly answering 85 percent of the questions is required. A certificate of completion is awarded to successful applicants without fee, but a duplicate certification will cost \$5. The department of natural resources will publish a manual for the watercraft safety education course and certify instructors to teach the course.

The bill also prohibits persons who are less than 12 years of age from operating a vessel or watercraft. Watercraft is defined as a vessel which through the buoyant force of water floats on the water and is capable of carrying one or more persons. A watercraft includes an ice boat.

This bill takes effect upon enactment. However, enforcement of the requirement that a person who is 12 years of age or more and less than 18 years of age, shall not operate a watercraft unless the person has successfully completed a watercraft safety education course, will not be enforced until January 1, 1998.

A violator of the provisions of this bill is guilty of a simple misdemeanor and the provisions of chapter 232 relating to the prosecution of juvenile offenders does not apply to violations occurring under chapter 462A.

SENATE FILE 32
FISCAL NOTE

REQ. BY SENATOR FREEMAN

A fiscal note for Senate File 32 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 32 provides for the creation of a watercraft safety education course for persons 12 through 17 years of age. Requires certification from the course for those persons 12 through 17 years of age to operate a watercraft.

ASSUMPTIONS

1. The Watercraft Safety Education Program will operate similar to the Hunter Education Program.
2. The approximate cost per person of the hunter education course is \$25; the cost per person for the watercraft safety education course was assumed to be the same.
3. In FY 1998, there will be 12,000 persons taking the course and in subsequent fiscal years there will be 5,000 persons taking the course.
4. Manuals on watercraft safety will cost one dollar per manual.
5. Any State moneys will be used as a 50-50 match with the United States Coast Guard.
6. The equivalent of 3.0 FTE positions will be required in FY 1998 for instructor certification, oversight, and information dispersement. In subsequent fiscal years, the equivalent of 1.5 FTE positions will be required for the same purposes.
7. Volunteer instructors will teach the watercraft safety education course throughout Iowa.

FISCAL IMPACT

The Bill would result in an annual cost to the General Fund for FY 1998 of \$156,000 and 3.0 FTE positions. In subsequent fiscal years, the annual cost to the General Fund is \$65,000 and 1.5 FTE positions.

SOURCE

Department of Natural Resources

(LSB 1065xs, AMF)

FILED MARCH 10, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR