

FILED JAN 30 1997

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SENATE FILE 95  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 2)

Passed Senate, <sup>(P. 303)</sup> Date 2/24/97 Passed House, <sup>(P. 1207)</sup> Date 4-14-97  
Vote: Ayes 48 Nays 0 Vote: Ayes 98 Nays 0  
Approved April 22, 1997

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. 95

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 shall be made  
20 available to any party to an accident, the party's insurance  
21 company or its agent, the party's attorney, or the attorney  
22 general, on written request to the department and the payment  
23 of a fee for each copy. A written report shall not be  
24 admissible in or used in evidence in any civil or criminal  
25 action arising out of the facts on which the report is based.

26 Sec. 3. EFFECTIVE DATE -- APPLICABILITY.

27 1. This Act, being deemed of immediate importance, takes  
28 effect upon enactment.

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

32 EXPLANATION

33 This bill provides that written reports of accidents  
34 involving water or ice vessels, which are submitted to the  
35 natural resource commission of the department of natural

1 resources, are to be made available to the parties to the  
2 accident or to the parties' attorneys or insurance companies,  
3 or to the attorney general, upon payment of a copy fee. The  
4 bill also increases from \$100 to \$500 the threshold amount of  
5 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.

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S-3073

1 Amend Senate File 95 as follows:

2 1. Page 1, by striking lines 13 through 25 and  
3 inserting the following:

4 "4. a. All reports shall be in writing, ~~and the~~  
5 ~~written report shall be without prejudice to the~~  
6 ~~individual so reporting and.~~ A vessel operator's  
7 report shall be without prejudice to the person making  
8 the report and shall be for the confidential use of  
9 the commission department. However, upon request the  
10 commission department shall disclose the identities of  
11 the persons on board the vessels involved in the  
12 occurrence and their addresses. Upon request of a  
13 person who made and filed a vessel operator's report,  
14 the department shall provide a copy of the vessel  
15 operator's report to the requestor. A written vessel  
16 operator's report filed with the commission department  
17 shall not be admissible in or used in evidence in any  
18 civil or criminal action arising out of the facts on  
19 which the report is based.

20 b. All written reports filed by law enforcement  
21 officers as required under section 462A.7, subsection  
22 3, are confidential to the extent provided in section  
23 22.7, subsection 5, and section 622.11. However, a  
24 completed law enforcement officer's report shall be  
25 made available by the department or the investigating  
26 law enforcement agency to any party to a boating  
27 accident, collision, or other casualty, the party's  
28 insurance company or its agent, or the party's  
29 attorney on written request and payment of a fee."

By JOHN P. KIBBIE  
JAMES BLACK

MERLIN E. BARTZ  
DENNIS H. BLACK

S-3073 FILED FEBRUARY 24, 1997

ADOPTED

2/24/97

(p. 363)



H- 2/25/97 Natural Resources  
H- 3/26/97 No Pass  
H- 4/10/97 Unfinished Business  
Calendar

SENATE FILE 95  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 2)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 24, 1997)

\_\_\_\_\_ - New Language by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, Date <sup>(P. 1207)</sup> 4-14-97  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 98 Nays 0  
Approved April 22, 1997

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  
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4 Act's applicability.

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

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SF. 95

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. a. ~~All reports shall be in writing, and the written~~  
14 ~~report shall be without prejudice to the individual so~~  
15 ~~reporting and.~~ A vessel operator's report shall be without  
16 prejudice to the person making the report and shall be for the  
17 confidential use of the commission department. However, upon  
18 request the commission department shall disclose the  
19 identities of the persons on board the vessels involved in the  
20 occurrence and their addresses. Upon request of a person who  
21 made and filed a vessel operator's report, the department  
22 shall provide a copy of the vessel operator's report to the  
23 requestor. A written vessel operator's report filed with the  
24 commission department shall not be admissible in or used in  
25 evidence in any civil or criminal action arising out of the  
26 facts on which the report is based.

27 b. All written reports filed by law enforcement officers  
28 as required under section 462A.7, subsection 3, are  
29 confidential to the extent provided in section 22.7,  
30 subsection 5, and section 622.11. However, a completed law  
31 enforcement officer's report shall be made available by the  
32 department or the investigating law enforcement agency to any  
33 party to a boating accident, collision, or other casualty, the  
34 party's insurance company or its agent, or the party's  
35 attorney on written request and payment of a fee.

1 Sec. 3. EFFECTIVE DATE -- APPLICABILITY.

2 1. This Act, being deemed of immediate importance, takes  
3 effect upon enactment.

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

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SENATE FILE 95

AN ACT

RELATING TO WATER AND ICE VESSEL ACCIDENT REPORTS FILED  
WITH THE NATURAL RESOURCE COMMISSION OF THE DEPARTMENT  
OF NATURAL RESOURCES AND PROVIDING FOR AN EFFECTIVE  
DATE AND THE ACT'S APPLICABILITY.

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

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

2. Whenever any vessel is involved in a collision, accident or casualty, except one which results only in

property damage not exceeding one five hundred dollars, a report thereof shall be filed with the commission. The report shall be filed by the operator of the vessel and shall contain such information as the commission may, by rule, require. ~~Said~~ The report shall be submitted without delay in death or disappearance cases and within five days in all other cases.

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

4. a. All reports shall be in writing and the written report shall be without prejudice to the individual so reporting and. A vessel operator's report shall be without prejudice to the person making the report and shall be for the confidential use of the commission department. However, upon request the commission department shall disclose the identities of the persons on board the vessels involved in the occurrence and their addresses. Upon request of a person who made and filed a vessel operator's report, the department shall provide a copy of the vessel operator's report to the requestor. A written vessel operator's report filed with the commission department shall not be admissible in or used in evidence in any civil or criminal action arising out of the facts on which the report is based.

b. All written reports filed by law enforcement officers as required under section 462A.7, subsection 3, are confidential to the extent provided in section 22.7, subsection 5, and section 622.11. However, a completed law enforcement officer's report shall be made available by the department or the investigating law enforcement agency to any party to a boating accident, collision, or other casualty, the party's insurance company or its agent, or the party's attorney on written request and payment of a fee.

Sec. 3. EFFECTIVE DATE -- APPLICABILITY.

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

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

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MARY E. KRAMER  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 95, Seventy-seventh General Assembly.

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MARY PAT GUNDERSON  
Secretary of the Senate

Approved April 22, 1997

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TERRY E. BRANSTAD  
Governor