

JAN 22 2004  
NATURAL RESOURCES

HOUSE FILE 2064  
BY FREEMAN

(COMPANION TO LSB 5780SS  
BY KETTERING)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the regulation of vessels by increasing  
2 certain vessel registration fees, regulating the operation of  
3 certain vessels by minors, providing for increased inspections  
4 of certain vessels, increasing pilot and engineer licensing  
5 fees, appropriating the moneys collected to the state fish and  
6 game protection fund, and specifying the use of the moneys.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2064

1 Section 1. Section 462A.5, subsection 3, Code 2003, is  
2 amended to read as follows:

3 3. The registration fees for vessels subject to this  
4 chapter are as follows:

5 a. For vessels of any length without motor or sail, five  
6 eight dollars.

7 b. For motorboats or sailboats less than twelve sixteen  
8 feet in length, eight fifteen dollars.

9 c. For motorboats or sailboats twelve sixteen feet or  
10 more, but less than fifteen twenty-six feet in length, ten  
11 twenty-five dollars.

12 ~~d. -- For motorboats or sailboats fifteen feet or more, but~~  
13 ~~less than eighteen feet in length, twelve dollars.~~

14 ~~e. -- For motorboats or sailboats eighteen feet or more, but~~  
15 ~~less than twenty-five feet in length, eighteen dollars.~~

16 ~~f. d.~~ For motorboats or sailboats twenty-five twenty-six  
17 feet in length or more, twenty-eight but less than forty feet  
18 in length, forty dollars.

19 e. For motor boats or sailboats forty feet in length or  
20 more, seventy-five dollars.

21 f. For all personal watercraft, twenty-five dollars.

22 Every registration certificate and number issued becomes  
23 delinquent at midnight April 30 of odd-numbered years unless  
24 terminated or discontinued in accordance with this chapter.  
25 After January 1 in odd-numbered years, an unregistered vessel  
26 and a renewal of registration may be registered for the two-  
27 year registration period beginning May 1 of that year. After  
28 January 1 in even-numbered years, unregistered vessels may be  
29 registered for the remainder of the current registration  
30 period at fifty percent of the appropriate registration fee.

31 If a timely application for renewal is made, the applicant  
32 shall receive the same registration number allocated to the  
33 applicant for the previous registration period. If the  
34 application for registration for the biennium is not made  
35 before May 1 of each odd-numbered year, the applicant shall be

1 charged a penalty of five dollars.

2 Sec. 2. Section 462A.12, subsection 6, Code Supplement  
3 2003, is amended to read as follows:

4 6. An owner or operator of a vessel propelled by a motor  
5 of more than ten horsepower shall not permit any person under  
6 twelve years of age to operate the ~~personal-watercraft~~ vessel  
7 unless accompanied in or on the same ~~personal-watercraft~~  
8 vessel by a responsible person of at least eighteen years of  
9 age who is experienced in motorboat operation. ~~Commencing~~  
10 ~~January-17-2003,~~ a A person who is twelve years of age or  
11 older but less than eighteen years of age shall not operate  
12 any ~~personal-watercraft~~ vessel propelled by a motor of more  
13 than ten horsepower unless the person has successfully  
14 completed a department-approved watercraft safety course and  
15 obtained a watercraft safety certificate. A person required  
16 to have a watercraft safety certificate shall carry and shall  
17 exhibit or make available the certificate upon request of an  
18 officer of the department. A violation of this subsection is  
19 a simple misdemeanor as provided in section 462A.13. However,  
20 a person charged with violating this subsection shall not be  
21 convicted if the person produces in court, within a reasonable  
22 time, a department-approved certificate. The cost of a  
23 department certificate, or any duplicate, shall not exceed  
24 five dollars.

25 Sec. 3. Section 462A.20, Code 2003, is amended to read as  
26 follows:

27 462A.20 BOAT INSPECTION.

28 ~~Any-person-having,~~ A vessel either for hire or offered for  
29 hire upon any waters of this state under the jurisdiction of  
30 the commission, ~~any-vessel,-either-for-hire-or-offered-for~~  
31 ~~hire,-must-have-such-vessel-and-all-its-appurtenances-annually~~  
32 may be inspected at any time by representatives of the  
33 commission or by any peace officer.

34 ~~Every-such-owner-shall-file-in-the-office-of-the~~  
35 ~~commission,-an-application-for-inspection-of-such-vessels-on-a~~

1 ~~blank-furnished-by-the-commission-for-that-purpose.~~

2 Officers appointed by the commission or any peace officer  
3 shall have the power and authority to determine whether such  
4 vessel is safe for the transportation of passengers or cargo  
5 and upon what waters it may be used. They may determine and  
6 designate the number of passengers or cargo, including crew,  
7 that may be carried and determine whether the machinery,  
8 equipment, and all appurtenances are such as to make ~~said~~  
9 ~~vessels~~ the vessel seaworthy, where used, and such other  
10 matters as are pertinent.

11 ~~After-such-vessels-have-been-inspected-as-provided-herein,~~  
12 ~~a-current-inspection-seal-or-tag-shall-be-issued-by-the~~  
13 ~~commission-and-shall-be-kept-posted-in-a-conspicuous-place~~  
14 ~~upon-or-in-such-vessel.--Any-inspection-seal-or-tag-shall-be~~  
15 ~~in-effect-only-for-the-calendar-year-for-which-the-inspection~~  
16 ~~seal-or-tag-is-issued.~~

17 Private vessels may also be inspected to determine their  
18 seaworthiness at any time by representatives of the commission  
19 or by any peace officer.

20 Sec. 4. Section 462A.22, Code 2003, is amended to read as  
21 follows:

22 462A.22 ENGINEER OR PILOT LICENSE AND FEES.

23 1. No A vessel shall not be operated for hire by a pilot  
24 or engineer upon the waters of this state under the  
25 jurisdiction of the commission unless the pilot or engineer  
26 first obtains an engineer's or pilot's license. A pilot's  
27 license is required for any person who has charge of the  
28 steering or directing of the vessel's course or who does the  
29 steering or directs the vessel's course. An engineer's  
30 license is required for all operators who have charge of or  
31 operate the equipment by which the boat is propelled. If one  
32 person acts in a dual or alternate capacity, the person shall  
33 first obtain both an engineer's and pilot's license.

34 2. Any person desiring a pilot's or engineer's license  
35 shall file an application with the commission upon forms

1 prepared and furnished by the commission. Such license may be  
2 issued by the commission only upon recommendation of an  
3 officer duly authorized by the commission. Before the officer  
4 recommends such a license, the officer shall investigate the  
5 competency of the applicant, the applicant's acquaintance with  
6 and experience in boat work, habits as to sobriety, mental and  
7 physical qualifications for the work, acquaintance with the  
8 waters for which application to operate upon is made,  
9 familiarity with the laws and regulations pertaining to the  
10 vessel operation and all other pertinent matters. Such  
11 license shall not be issued to anyone under eighteen years of  
12 age.

13 3. The annual fee for a pilot's license is ten dollars.  
14 The annual fee for an engineer's license is twenty dollars.  
15 All fees for the licensing of pilots and engineers shall be  
16 forwarded by the commission to the treasurer of state, who  
17 shall place the money in the state fish and game protection  
18 fund. The money so collected is appropriated to the  
19 commission solely for the administration and enforcement of  
20 programs to control invasive aquatic species and for programs  
21 to improve the water quality of the state's natural lakes and  
22 inland waters for the fiscal period beginning July 1, 2004,  
23 and ending June 30, 2010. Beginning on July 1, 2010, the  
24 moneys so collected are appropriated to the commission solely  
25 for the administration and enforcement of navigation laws and  
26 water safety.

27 4. Engineer's and pilot's licenses shall be in effect only  
28 for the calendar year in which such the license is issued.

29 Sec. 5. Section 462A.52, Code 2003, is amended to read as  
30 follows:

31 462A.52 FEES REMITTED TO COMMISSION.

32 1. Within ten days after the end of each month, a county  
33 recorder shall remit to the commission all fees collected by  
34 the recorder during the previous month. Before May 10 in odd-  
35 numbered years, a county recorder shall remit to the

1 commission all unused license blanks for the previous  
2 biennium. All fees collected for the registration of vessels  
3 shall be forwarded by the commission to the treasurer of the  
4 state, who shall place the money in a special-conservation the  
5 state fish and game protection fund. The money so collected  
6 is appropriated to the commission solely for the  
7 administration and enforcement of navigation laws and water  
8 safety.

9     2. Notwithstanding subsection 1, any increase in revenues  
10 received on or after July 1, 2004, but prior to June 30, 2010,  
11 pursuant to this section as a result of fee increases pursuant  
12 to this Act, shall be used by the commission only for the  
13 administration and enforcement of programs to control invasive  
14 aquatic species and for programs to improve the water quality  
15 of the state's natural lakes and inland waters.

16     Sec. 6. Section 462A.66, Code 2003, is amended to read as  
17 follows:

18     462A.66 INSPECTION AUTHORITY.

19     An officer of the commission or any peace officer may stop  
20 and inspect a vessel being launched, being operated, or being  
21 moored on the waters of this state under the jurisdiction of  
22 the commission to determine whether the vessel is properly  
23 registered, numbered, and equipped as provided under this  
24 chapter and rules of the commission. An officer may board a  
25 vessel in the course of an inspection if the operator is  
26 unable to supply visual evidence that the vessel is properly  
27 registered and equipped as required by this chapter and rules  
28 of the commission. The inspection shall not include an  
29 inspection of an area that is not essential to determine  
30 compliance with the provisions of this chapter and rules of  
31 the commission.

32     Sec. 7. Section 462A.21, Code 2003, is repealed.

33                                     EXPLANATION

34     This bill relates to various water navigation regulations.  
35     Code section 462A.5 is amended by increasing the

1 registration fees for vessels, creating a new registration  
2 category for motorboats or sailboats 26 feet or more but less  
3 than 40 feet in length, with a registration fee of \$40, and  
4 creating a new category for motorboats or sailboats 40 feet in  
5 length or more, with a registration fee of \$75. The bill also  
6 provides that there is a separate registration fee for all  
7 personal watercraft of \$25.

8 Code section 462A.12 is amended to provide that an owner or  
9 operator of a vessel propelled by a motor of more than 10  
10 horsepower shall not permit any person under 12 years of age  
11 to operate the vessel unless accompanied in or on the same  
12 vessel by a responsible person of at least 18 years of age who  
13 is experienced in motorboat operation. The bill also provides  
14 that a person who is 12 years of age or older but less than 18  
15 years of age shall not operate any vessel propelled by a motor  
16 of more than 10 horsepower unless the person has successfully  
17 completed a department-approved watercraft safety course and  
18 obtained a watercraft safety certificate. A person who is  
19 required to have a watercraft safety certificate must carry  
20 and exhibit or make the certificate available upon request of  
21 an officer of the department. A violation of this provision  
22 is a simple misdemeanor, except that a person charged with a  
23 violation of this requirement shall not be convicted if the  
24 person produces the certificate in court within a reasonable  
25 time. The bill provides that the cost of the certificate  
26 shall not exceed \$5. Previously these provisions only applied  
27 to persons under 12 years of age or 12 to 18 years of age who  
28 operated a personal watercraft.

29 Code section 462A.20 is amended to provide that a vessel,  
30 either for hire or offered for hire, is subject to inspection  
31 at any time rather than an annual mandatory inspection, by  
32 representatives of the natural resource commission or by any  
33 peace officer. The bill also eliminates the requirement that  
34 the owner of a vessel file an application for inspection of  
35 such vessels with the commission. The bill provides that an

1 officer of the commission or any peace officer has the power  
2 to determine whether a vessel for hire is safe and upon what  
3 waters it may be used and the power to determine the  
4 seaworthiness of any private vessel. The bill eliminates the  
5 requirement that vessels that have been inspected be issued a  
6 current inspection seal that must be posted in a conspicuous  
7 place and is valid for the calendar year in which the  
8 inspection occurred.

9 Code section 462A.22 is amended to provide that the annual  
10 fee for vessels for hire is \$10 for a pilot's license and \$20  
11 for an engineer's license. The bill also provides that such  
12 fees shall be placed in the state fish and game protection  
13 fund and are appropriated solely for the administration and  
14 enforcement of programs to control invasive aquatic species  
15 and for programs to improve the water quality of the state's  
16 natural lakes and inland waters for the fiscal period  
17 beginning July 1, 2004, and ending June 30, 2010.

18 Code section 462A.52 is amended to provide that fees  
19 collected by a county recorder for the registration of vessels  
20 shall be forwarded to the state treasurer to be placed in the  
21 state fish and game protection fund, instead of a special  
22 conservation fund. The bill provides that this money is  
23 appropriated to the commission solely for the administration  
24 and enforcement of navigation laws and water safety. The bill  
25 also provides that notwithstanding the provisions of this Code  
26 section, any increase in revenues received pursuant to this  
27 Code section on or after July 1, 2004, shall be used by the  
28 commission for the fiscal period beginning July 1, 2004, and  
29 ending June 30, 2010, only for the administration and  
30 enforcement of programs to control invasive aquatic species  
31 and for programs to improve the water quality of the state's  
32 natural lakes and inland waters.

33 Code section 462A.66 is amended to provide that any peace  
34 officer as well as an officer of the natural resource  
35 commission may stop and inspect a vessel being launched,



1 operated, or moored upon the waters of this state to determine  
2 whether the vessel is properly registered, numbered, and  
3 equipped and may board a vessel if the operator is unable to  
4 supply visual evidence that the vessel is properly registered  
5 and equipped so long as the inspection does not include an  
6 inspection of an area that is not essential to determine  
7 compliance with these provisions.

8     The bill repeals Code section 462A.21, which relates to  
9 inspections and annual fees for inspections of vessels  
10 operated for hire.

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