MAR 2 9 2005
WAYS & MEANS CALENDAR

HOUSE FILE 828
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 640)
(SUCCESSOR TO HF 149)

Passed House, Date 4-26-05 Passed Senate, Date _____
Vote: Ayes 68 Nays 31 Vote: Ayes _____ Nays _____
Approved 5/23/05

A BILL FOR

1 An Act relating to the regulation and registration of certain
2 vessels, the operation of certain vessels by minors,
3 inspections of certain vessels, the operation of vessels for
4 hire or commercial vessels, providing for penalties, and
5 appropriating the moneys collected from certain registration
6 fee increases to the state fish and game protection fund.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 828

TLSB 1475HZ 81
av/sh/8

S.F. _____ H.F. 828

Section 1. Section 462A.5, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The owner of each vessel required to be numbered by this state shall register it every ~~two~~ three years with the county recorder of the county in which the owner resides, or, if the owner is a nonresident, the owner shall register it in the county in which such vessel is principally used. The commission shall have supervisory responsibility over the registration of all vessels and shall provide each county recorder with registration forms and certificates and shall allocate identification numbers to each county.

Sec. 2. Section 462A.5, subsection 1, Code 2005, is amended by adding the following unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. A vessel that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

Sec. 3. Section 462A.5, subsection 3, Code 2005, is amended to read as follows:

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

a. For vessels of any length without motor or sail, ~~five~~ twelve dollars.

b. For motorboats or sailboats less than ~~twelve~~ sixteen feet in length, ~~eight~~ twenty-two dollars and fifty cents.

c. For motorboats or sailboats ~~twelve~~ sixteen feet or more, but less than ~~fifteen~~ twenty-six feet in length, ~~ten~~ thirty dollars.

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

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

~~f.~~ d. For motorboats or sailboats ~~twenty-five~~ twenty-six

feet ~~in length~~ or more, ~~twenty-eight~~ but less than forty feet in length, sixty dollars.

e. For motorboats or sailboats forty feet in length or more, one hundred twelve dollars and fifty cents.

f. For all personal watercraft, forty-five dollars.

Every registration certificate and number issued becomes delinquent at midnight April 30 of ~~odd-numbered years~~ the last calendar year of the registration period unless terminated or discontinued in accordance with this chapter. After January 1 ~~in odd-numbered years~~, 2007, an unregistered vessel and a renewal of registration may be registered for the ~~two-year~~ three-year registration period beginning May 1 of that year. ~~After~~ When unregistered vessels are registered after January 1 ~~in even-numbered years,~~ of the year succeeding the beginning of the three-year registration period, such unregistered vessels may be registered for the remainder of the current registration period at ~~fifty percent~~ a prorated amount of the appropriate registration fee.

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~~ three-year registration period is not made before May 1 of ~~each odd-numbered~~ the last calendar year of the registration period, the applicant shall be charged a penalty of five dollars.

Sec. 4. Section 462A.5, subsection 6, Code 2005, is amended to read as follows:

6. The owner of each vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto shall register it every ~~two~~ three years with the county recorder in the same manner prescribed for undocumented vessels and shall cause the registration validation decal to be placed on the vessel in the manner prescribed by the rules of the commission. When the vessel bears the identification required

in the documentation, it is exempt from the placement of the identification numbers as required on undocumented vessels. The fee for such registration is twenty-five dollars plus a writing fee.

Sec. 5. Section 462A.12, subsection 6, Code 2005, is amended to read as follows:

6. An owner or operator of a vessel propelled by a motor of more than ten horsepower shall not permit any person under twelve years of age to operate the ~~personal watercraft~~ vessel unless accompanied in or on the same ~~personal watercraft~~ vessel by a responsible person of at least eighteen years of age who is experienced in motorboat operation. ~~Commencing January 1, 2003, a~~ A person who is twelve years of age or older but less than eighteen years of age shall not operate any ~~personal watercraft~~ vessel propelled by a motor of more than ten horsepower unless the person has successfully completed a department-approved watercraft safety course and obtained a watercraft safety certificate or is accompanied in or on the same vessel by a responsible person of at least eighteen years of age who is experienced in motorboat operation. A person required to have a watercraft safety certificate shall carry and shall exhibit or make available the certificate upon request of an officer of the department. A violation of this subsection is a simple misdemeanor as provided in section 462A.13. However, a person charged with violating this subsection shall not be convicted if the person produces in court, within a reasonable time, a department-approved certificate. The cost of a department certificate, or any duplicate, shall not exceed five dollars.

Sec. 6. Section 462A.20, Code 2005, is amended to read as follows:

462A.20 BOAT INSPECTION.

~~Any person having,~~ A vessel either for hire or offered for hire upon any waters of this state under the jurisdiction of the commission~~, any vessel, either for hire or offered for~~

~~hire, must have such vessel and all its appurtenances annually~~ may be inspected at any time by representatives of the commission or by any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws.

~~Every such owner shall file in the office of the commission, an application for inspection of such vessels on a blank furnished by the commission for that purpose.~~

Officers appointed by the commission or any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws shall have the power and authority to determine whether such vessel is safe for the transportation of passengers or cargo and upon what waters it may be used. They may determine and designate the number of passengers or cargo, including crew, that may be carried and determine whether the machinery, equipment and all appurtenances are such as to make ~~said vessels~~ the vessel seaworthy, where used, and such other matters as are pertinent.

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

Private vessels may also be inspected to determine their seaworthiness at any time by representatives of the commission or by any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws.

Sec. 7. Section 462A.23, subsection 1, Code 2005, is amended to read as follows:

1. Any officer appointed by the commission may, for cause, temporarily suspend the registration certificate of any vessel ~~and the license of a pilot or engineer,~~ that has been issued

under this chapter, and the commission, after a due hearing on the matter at its next session, shall make final determination in the matter.

Sec. 8. Section 462A.23, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The commission shall forthwith revoke the registration certificate of any vessel and the ~~pilot's or engineer's license of the operator of such vessel~~ owner's or operator's privilege to operate a vessel for hire or commercial vessel, upon receiving a record of such owner or operator's conviction of any of the following offenses, when such conviction has become final:

Sec. 9. Section 462A.23, subsection 3, Code 2005, is amended to read as follows:

3. The commission is hereby authorized to suspend the registration certificate of any vessel and the ~~pilot's or engineer's license of an operator~~ owner's or operator's privilege to operate a vessel for hire or commercial vessel upon a showing by its records that the owner or operator:

a. Has committed an offense for which mandatory revocation of the registration certificate or ~~pilot's or engineer's license~~ of the privilege to operate a vessel for hire or commercial vessel is required upon conviction.

b. Is a habitual reckless or negligent operator of a vessel for hire or commercial vessel.

c. Is incompetent to operate a vessel for hire or commercial vessel.

d. Has permitted an unlawful or fraudulent use of such registration certificate ~~or pilot's or engineer's license~~.

Sec. 10. Section 462A.25, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

462A.25 PENALTY.

If an owner or operator of a vessel for hire or commercial vessel operated upon the waters of this state under the

1 jurisdiction of the commission permits such vessel to be
2 occupied by more passengers and crew than the registration
3 capacity allows or if a person continues to operate a vessel
4 for hire or commercial vessel after the person's privilege to
5 operate the vessel has been revoked, the person shall be
6 guilty of a serious misdemeanor. The provisions of this
7 section shall not apply to vessels registered or numbered by
8 authority of the United States.
9 Sec. 11. Section 462A.39, Code 2005, is amended to read as
10 follows:
11 462A.39 EXPIRATION DATE.
12 Each special certificate issued hereunder shall expire at
13 midnight on April 30 of ~~each odd-numbered~~ the last calendar
14 year of the registration period, and a new special certificate
15 for the ensuing ~~biennium~~ registration period may be obtained
16 upon application to the commission and payment of the fee
17 provided by law.
18 Sec. 12. Section 462A.52, Code 2005, is amended to read as
19 follows:
20 462A.52 FEES REMITTED TO COMMISSION.
21 1. Within ten days after the end of each month, a county
22 recorder shall remit to the commission all fees collected by
23 the recorder during the previous month. Before May 10 ~~in odd-~~
24 ~~numbered years~~ of the registration period beginning May 1 of
25 that year, a county recorder shall remit to the commission all
26 unused license blanks for the previous ~~biennium~~ registration
27 period. All fees collected for the registration of vessels
28 shall be forwarded by the commission to the treasurer of the
29 state, who shall place the money in ~~a special conservation~~ the
30 state fish and game protection fund. The money so collected
31 is appropriated to the commission solely for the
32 administration and enforcement of navigation laws and water
33 safety.
34 2. Notwithstanding subsection 1, any increase in revenues
35 received on or after July 1, 2007, but on or before June 30,

1 2013, pursuant to this section as a result of fee increases
2 pursuant to this Act, shall be used by the commission only for
3 the administration and enforcement of programs to control
4 aquatic invasive species and for the administration and
5 enforcement of navigation laws and water safety upon the
6 inland waters of this state and shall be used in addition to
7 funds already being expended by the commission each year for
8 these purposes. The commission shall not reduce the amount of
9 other funds being expended on an annual basis for these
10 purposes as of the effective date of this Act, during the
11 period of the appropriation provided for in this subsection.
12 3. The commission shall submit a written report to the
13 general assembly by December 31, 2007, and by December 31 of
14 each year thereafter through December 31, 2013, summarizing
15 the activities of the department in administering and
16 enforcing programs to control aquatic invasive species and
17 administering and enforcing navigation laws and water safety
18 upon the inland waters of the state. The report shall include
19 information concerning the amount of revenues collected
20 pursuant to this section as a result of fee increases pursuant
21 to this Act and how the revenues were expended. The report
22 shall also include information concerning the amount and
23 source of all other funds expended by the commission during
24 the year for the purposes of administering and enforcing
25 programs to control aquatic invasive species and administering
26 and enforcing navigation laws and water safety upon the inland
27 waters of the state and how the funds were expended.
28 Sec. 13. Section 462A.53, Code 2005, is amended to read as
29 follows:
30 462A.53 AMOUNT OF WRITING FEES.
31 A writing fee of one dollar and twenty-five cents for each
32 transaction shall be collected by the county recorder. If two
33 or more functions are transacted for the same vessel at one
34 time, the writing fee is limited to one dollar and twenty-
35 five cents.

1 Sec. 14. Section 462A.66, Code 2005, is amended to read as
2 follows:
3 462A.66 INSPECTION AUTHORITY.
4 An officer of the commission or any peace officer who is
5 trained in enforcing, and who in the regular course of duty
6 enforces, boating and navigation laws may stop and inspect a
7 vessel being launched, being operated, or being moored on the
8 waters of this state under the jurisdiction of the commission
9 to determine whether the vessel is properly registered,
10 numbered, and equipped as provided under this chapter and
11 rules of the commission. An officer may board a vessel in the
12 course of an inspection if the operator is unable to supply
13 visual evidence that the vessel is properly registered and
14 equipped as required by this chapter and rules of the
15 commission. The inspection shall not include an inspection of
16 an area that is not essential to determine compliance with the
17 provisions of this chapter and rules of the commission.
18 Sec. 15. Section 462A.77, subsection 1, Code 2005, is
19 amended to read as follows:
20 1. Except as provided in subsection 3, an owner of a
21 vessel seventeen feet or longer in length principally used on
22 the waters of the state and to be numbered pursuant to section
23 462A.4 shall apply to the county recorder of the county in
24 which the owner resides for a certificate of title for the
25 vessel. The requirement of a certificate of title does not
26 apply to canoes, kayaks, or inflatable vessels regardless of
27 length.
28 Sec. 16. Sections 462A.21 and 462A.22, Code 2005, are
29 repealed.
30 EXPLANATION
31 This bill relates to various water navigation regulations.
32 The bill changes the registration period for a vessel from
33 two years to three years for vessels registered after January
34 1, 2007. The bill provides that every registration
35 certificate and number issued becomes delinquent at midnight

1 on April 30 of the last calendar year of the registration
2 period and that if an application for the three-year
3 registration period is not made before May 1 of the last
4 calendar year of the registration period, the applicant shall
5 be charged a penalty of $5. The bill also provides that an
6 unregistered vessel that is registered after January 1 of the
7 year succeeding the beginning of the three-year registration
8 period may be registered for the remainder of the current
9 registration period at a prorated amount of the appropriate
10 registration fee. The bill also changes the registration
11 period for a vessel with a valid marine document issued by the
12 bureau of customs of the United States government or any
13 federal agency successor thereto or for a special certificate
14 from two to three years.
15 Code section 462A.5 is amended to provide that a vessel
16 that has an expired registration certificate from another
17 state may be registered in this state upon proper application,
18 payment of all applicable registration and writing fees, and
19 payment of a penalty of $5.
20 Code section 462A.5 is also amended by increasing the
21 registration fees for vessels, creating a new registration
22 category for motorboats or sailboats 26 feet or more but less
23 than 40 feet in length, with a registration fee of $60, and
24 creating a new category for motorboats or sailboats 40 feet in
25 length or more, with a registration fee of $112.50. The bill
26 also provides that there is a separate registration fee for
27 all personal watercraft of $45.
28 Code section 462A.12 is amended to provide that an owner or
29 operator of a vessel propelled by a motor of more than 10
30 horsepower shall not permit any person under 12 years of age
31 to operate the vessel unless accompanied in or on the same
32 vessel by a responsible person of at least 18 years of age who
33 is experienced in motorboat operation. The bill also provides
34 that a person who is 12 years of age or older but less than 18
35 years of age shall not operate any vessel propelled by a motor

1 of more than 10 horsepower unless the person has successfully
2 completed a department-approved watercraft safety course and
3 obtained a watercraft safety certificate or is accompanied in
4 or on the same vessel by a responsible person of at least 18
5 years of age who is experienced in motorboat operation. A
6 person who is required to have a watercraft safety certificate
7 must carry and exhibit or make the certificate available upon
8 request of an officer of the department. A violation of this
9 provision is a simple misdemeanor, except that a person
10 charged with a violation of this requirement shall not be
11 convicted if the person produces the certificate in court
12 within a reasonable time. The bill provides that the cost of
13 the certificate shall not exceed $5. Previously these
14 provisions only applied to persons under 12 years of age or 12
15 to 18 years of age who operated a personal watercraft.
16 Code section 462A.20 is amended to provide that a vessel,
17 either for hire or offered for hire, is subject to inspection
18 at any time, rather than an annual mandatory inspection, by
19 representatives of the natural resource commission or by any
20 peace officer who is trained in enforcing, and who in the
21 regular course of duty enforces, boating and navigation laws.
22 The bill also eliminates the requirement that the owner of a
23 vessel file an application for inspection of such vessels with
24 the commission. The bill provides that an officer of the
25 commission or any peace officer who is trained in enforcing,
26 and who in the regular course of duty enforces, boating and
27 navigation laws has the power to determine whether a vessel
28 for hire is safe and upon what waters it may be used and the
29 power to determine the seaworthiness of any private vessel.
30 The bill eliminates the requirement that vessels that have
31 been inspected be issued a current inspection seal that must
32 be posted in a conspicuous place and is valid for the calendar
33 year in which the inspection occurred.
34 Code section 462A.21, which relates to inspections and
35 annual fees for inspections of vessels operated for hire, and

1 Code section 462A.22, which relates to engineer or pilot
2 licenses for operators of vessels for hire, are stricken.
3 Code section 462A.23 is amended to remove references to
4 suspension or revocation of a person's pilot's or engineer's
5 license under specified circumstances and instead applies to
6 suspension or revocation of a person's privilege to operate a
7 vessel for hire or commercial vessel under specified
8 circumstances.
9 Code section 462A.25 concerning penalties applicable to
10 certain persons holding a pilot's or engineer's license is
11 stricken and rewritten. New Code section 462A.25 provides
12 that if an owner or operator of a vessel for hire or
13 commercial vessel permits such vessel to be occupied by more
14 passengers and crew than the registration capacity allows or
15 continues to operate such a vessel after the person's
16 privilege to operate the vessel has been revoked, the person
17 is guilty of a serious misdemeanor. A serious misdemeanor is
18 punishable by confinement for no more than one year and a fine
19 of at least $250 but not more than $1,500.
20 Code section 462A.52 is amended to provide that fees
21 collected by a county recorder for the registration of vessels
22 shall be forwarded to the state treasurer to be placed in the
23 state fish and game protection fund, instead of a special
24 conservation fund. The bill provides that this money is
25 appropriated to the commission solely for the administration
26 and enforcement of navigation laws and water safety. The bill
27 also provides that, notwithstanding these provisions, any
28 increase in revenues received on or after July 1, 2007,
29 pursuant to this Code section as a result of fee increases
30 pursuant to the bill, shall be used by the commission for the
31 fiscal period beginning July 1, 2007, and ending June 30,
32 2013, only for the administration and enforcement of programs
33 to control aquatic invasive species and for the administration
34 and enforcement of navigation laws and water safety upon the
35 inland waters of this state and shall be used in addition to

1 funds already being expended for those purposes. The bill
2 also provides that the commission shall not reduce the amount
3 of other funds being expended annually for these purposes as
4 of the effective date of the bill. The bill requires the
5 commission to submit annul reports to the general assembly
6 from 2007 through 2013 summarizing the activities of the
7 department in controlling aquatic invasive species and
8 administering and enforcing navigation laws and water safety,
9 including the amount, source, and use of all funds expended.
10 Beginning July 1, 2013, the moneys collected can be used only
11 for the administration and enforcement of navigation laws and
12 water safety.
13 Code section 462A.53 is amended to increase the writing fee
14 paid to the recorder for transactions under Code chapter 462A
15 from $1 to $1.25.
16 Code section 462A.66 is amended to provide that any peace
17 officer, as well as an officer of the natural resource
18 commission, may stop and inspect a vessel being launched,
19 operated, or moored upon the waters of this state to determine
20 whether the vessel is properly registered, numbered, and
21 equipped and may board a vessel if the operator is unable to
22 supply visual evidence that the vessel is properly registered
23 and equipped, so long as the inspection does not include an
24 inspection of an area that is not essential to determine
25 compliance with these provisions.
26 Code section 462A.77 is amended to provide that owners of
27 kayaks are not required to apply for a certificate of title.
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HOUSE FILE 828

H-1231

Amend House File 828 as follows:

1. Page 3, by inserting after line 29, the following:

"Sec. ___. Section 462A.12, subsection 11, Code 2005, is amended to read as follows:

11. A person shall not operate a vessel within fifty feet of a diver's flag placed in accordance with the rules of the commission adopted under chapter 17A, or within fifty feet of a flag displayed when a person is in the water pursuant to section 462A.15, subsection 2.

Sec. ___. Section 462A.15, Code 2005, is amended to read as follows:

462A.15 WATER SKIS AND SURFBOARDS -- WARNING FLAG.

1. ~~No~~ A person shall not operate a vessel on any waters of this state under the jurisdiction of the commission for towing a person or persons on water skis, surfboard, or similar device unless there is in such vessel a responsible person, in addition to the operator, in a position to observe the progress of the person or persons being towed.

~~2.~~ This ~~section~~ subsection does not apply to a performer engaged in a professional exhibition or a person or persons engaged in a professional exhibition or a person or persons engaged in an activity authorized under section 462A.16.

2. A person operating a vessel, other than a personal watercraft, on any waters of this state under the jurisdiction of the commission shall display a red or orange flag measuring at least twelve by twelve inches whenever a person who has left the vessel is in the water. The flag shall not be displayed when the person is being towed, but shall be displayed when the person enters or reenters the water. The flag shall be visible for three hundred sixty degrees around the vessel when displayed. This subsection does not apply to a vessel when it is moored or anchored."

2. Page 8, by inserting after line 27 the following:

"Sec. ___. Section 805.8B, subsection 1, paragraph c, Code 2005, is amended to read as follows:

c. For operating violations under sections 462A.12, 462A.15, ~~subsection 1, sections~~ 462A.24, and 462A.34, the scheduled fine is twenty-five dollars. However, a violation of section 462A.12, subsection 2, is not a scheduled violation."

3. Title page, line 3, by inserting after the word "vessels," the following: "the operation of a vessel while a person is in the water,".

4. By renumbering as necessary.

By RAECKER of Polk

H-1231 FILED MARCH 30, 2005

HOUSE FILE 828

H-1447

Amend House File 828 as follows:

1. Page 1, by inserting before line 1, the following:

"Section 1. Section 455A.4, subsection 1, paragraph j, Code 2005, is amended by striking the paragraph.

Sec. 2. Section 456A.37, subsection 1, paragraph c, Code 2005, is amended to read as follows:

c. "Aquatic invasive species" means a species that is not native to an ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health including but not limited to habitat alteration and degradation, and loss of biodiversity. For the purposes of this section, "aquatic invasive species" are limited to Eurasian water milfoil, purple loosestrife, ~~and~~ zebra mussels, ~~except as provided in subsection 4~~ <u>and those species identified as "aquatic invasive species" by the commission by rule</u>.

Sec. 3. Section 456A.37, subsection 4, unnumbered paragraph 2, Code 2005, is amended to read as follows:

<u>c.</u> If the commission determines that an additional species should be defined as an "aquatic invasive species", the species ~~may~~ <u>shall</u> be defined by the commission by rule as an "aquatic invasive species" ~~subject to enactment of the definition by the general assembly at the next regular session of the general assembly. Failure of the general assembly to enact the definition pursuant to this paragraph constitutes a nullification of the definition effective upon adjournment of that next regular session of the general assembly~~."

2. Title page, line 1, by inserting after the word "to" the following: "aquatic regulations and activities, including aquatic invasive species,".

3. By renumbering as necessary.

By FREEMAN of Buena Vista
BAUDLER of Adair

H-1447 FILED APRIL 20, 2005

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 828 - Boat Registration (LSB 1475 HZ)
Analyst: Debra Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 828 makes the following changes impacting boat registration fees:

- Increases the biennial registration fee for boats with no motor or sail from $5.00 to a triennial fee of $12.00.
- Creates a triennial $22.50 registration fee for motorboats or sailboats that are less than 16 feet in length.
- Creates a triennial $30.00 registration fee for motorboats or sailboats that are more than 16 feet but less than 26 feet in length.
- Creates a triennial $60.00 registration fee for motorboats or sailboats that are 26 feet or more but less than 40 feet in length.
- Creates a triennial $112.50 registration fee for motorboats or sailboats that are 40 feet in length or longer.
- Creates a triennial $45.00 registration fee for personal watercraft.
- Specifies boats not registered by May 1, are subject to payment of a $5.00 penalty.
- Defines the qualifications of a peace officer and allows a peace officer or representative of the Natural Resource Commission to inspect a commercial vessel for hire at any time.
- Outlines the reasons for suspending a commercial boat registration certificate.
- Specifies any peace officer trained in boating and navigation laws can inspect commercial or private boats.
- Requires boat operators that are between 12 and 17 years of age to complete the Watercraft Safety Course offered by the Department of Natural Resources (DNR).
- Specifies that any operator of a vessel that has ten or more horsepower, and is 12 years of age but less than 18 years of age, cannot operate the vessel unless the operator has either successfully completed the Department's watercraft safety course, or is accompanied by a responsible person 18 years or older that is experienced in motorboat operation.
- Specifies revenue received from the fee increase will be used for administration and enforcement of programs that control aquatic invasive species and enforcement of navigation laws and water safety. The Bill requires the Environmental Protection Commission to submit an annual report summarizing the use of the funds from the fee increase for FY 2007 through FY 2013.
- Increases the county writing fee from $1.00 to $1.25 per transaction, or a person registering three boats would pay $1.25.
- The fee increase is effective January 1, 2007.

Background

There is a separate account in the DNR for Boat Registration Fees. Each year, $1.4 million is transferred from the Boat Registration Fees account to the Fish and Wildlife Trust Fund that is used for navigation law enforcement and boater safety. The last fee increase was in 1984.

Assumptions

1. There are approximately 230,000 boats registered in Iowa.
2. Annual gross receipts from boat registration fee increases are estimated to increase $734,000 for FY 2007 and every year thereafter.

Correctional Impact

The correctional impact of HF 828 is expected to be minimal.

Fiscal Impact

The estimated fiscal impact of HF 828 is an increase in revenue of $734,000 for FY 2007 and every year thereafter in the Boat Registration Fees account. Of that amount, $367,000 will be used for boating enforcement and $367,000 will be used for the prevention of aquatic invasive species through FY 2013. After that time, the increase will be used for boating enforcement activities. The estimated fiscal impact from the county writing fee increase, but changing it from a biennial fee to a triennial fee, is an annual decrease of $13,000 per year.

Source

Department of Natural Resources

/s/ Holly M. Lyons

April 6, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

HOUSE FILE 828

H-1484

1 Amend House File 828 as follows:
2 1. Page 2, by striking lines 13 through 18 and
3 inserting the following: "~~After January 1 in even-~~
4 ~~numbered years~~ When unregistered vessels are
5 registered after May 1 of the second year of the
6 three-year registration period, such unregistered
7 vessels may be registered for the remainder of the
8 current registration period at ~~fifty~~ sixty-six percent
9 of the appropriate registration fee. When
10 unregistered vessels are registered after May 1 of the
11 third year of the three-year registration period, such
12 unregistered vessels may be registered for the
13 remainder of the current registration period at
14 thirty-three percent of the appropriate registration
15 fee."

By MAY of Dickinson

H-1484 FILED APRIL 26, 2005
ADOPTED

HOUSE FILE 828

H-1516

1 Amend House File 828 as follows:
2 1. Page 3, by inserting after line 29, the
3 following:
4 "Sec. ___. Section 462A.12, Code 2005, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 14. A person shall not operate a
7 vessel on the waters of this state unless every person
8 on board the vessel who is under thirteen years of age
9 is wearing a type I, II, III, or V personal flotation
10 device that is approved by the United States coast
11 guard, while the vessel is moving. This subsection
12 does not apply to a person who is under thirteen years
13 of age and is in an enclosed cabin or below deck."
14 2. Title page, line 2, by inserting after the
15 word "minors," the following: "requiring the wearing
16 of personal flotation devices by certain minors,".
17 3. By renumbering as necessary.

By REICHERT of Muscatine

H-1516 FILED APRIL 26, 2005
WITHDRAWN

HOUSE FILE 828
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 640)
(SUCCESSOR TO HF 149)

(As Amended and Passed by the House April 26, 2005)

Passed House, Date _____ Passed Senate, Date 5-5-05
Vote: Ayes _____ Nays _____ Vote: Ayes 41 Nays 8
Approved _____

A BILL FOR

1 An Act relating to aquatic regulations and activities, including
2 aquatic invasive species, the regulation and registration of
3 certain vessels, the operation of certain vessels by minors,
4 inspections of certain vessels, the operation of vessels for
5 hire or commercial vessels, providing for penalties, and
6 appropriating the moneys collected from certain registration
7 fee increases to the state fish and game protection fund.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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10 House Amendments _____
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S.F. _____ H.F. 828

Section 1. Section 455A.4, subsection 1, paragraph j, Code 2005, is amended by striking the paragraph.

Sec. 2. Section 456A.37, subsection 1, paragraph c, Code 2005, is amended to read as follows:

c. "Aquatic invasive species" means a species that is not native to an ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health including but not limited to habitat alteration and degradation, and loss of biodiversity. For the purposes of this section, "aquatic invasive species" are limited to Eurasian water milfoil, purple loosestrife, ~~and~~ zebra mussels, ~~except as provided in subsection 4~~ and those species identified as "aquatic invasive species" by the commission by rule.

Sec. 3. Section 456A.37, subsection 4, unnumbered paragraph 2, Code 2005, is amended to read as follows:

c. If the commission determines that an additional species should be defined as an "aquatic invasive species", the species ~~may~~ shall be defined by the commission by rule as an "aquatic invasive species" ~~subject to enactment of the definition by the general assembly at the next regular session of the general assembly. Failure of the general assembly to enact the definition pursuant to this paragraph constitutes a nullification of the definition effective upon adjournment of that next regular session of the general assembly.~~

Sec. 4. Section 462A.5, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The owner of each vessel required to be numbered by this state shall register it every ~~two~~ three years with the county recorder of the county in which the owner resides, or, if the owner is a nonresident, the owner shall register it in the county in which such vessel is principally used. The commission shall have supervisory responsibility over the registration of all vessels and shall provide each county recorder with registration forms and certificates and shall

allocate identification numbers to each county.

Sec. 5. Section 462A.5, subsection 1, Code 2005, is amended by adding the following unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. A vessel that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

Sec. 6. Section 462A.5, subsection 3, Code 2005, is amended to read as follows:

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

a. For vessels of any length without motor or sail, ~~five~~ twelve dollars.

b. For motorboats or sailboats less than ~~twelve~~ sixteen feet in length, ~~eight~~ twenty-two dollars and fifty cents.

c. For motorboats or sailboats ~~twelve~~ sixteen feet or more, but less than ~~fifteen~~ twenty-six feet in length, ~~ten~~ thirty dollars.

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

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

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

e. For motorboats or sailboats forty feet in length or more, one hundred twelve dollars and fifty cents.

f. For all personal watercraft, forty-five dollars.

Every registration certificate and number issued becomes delinquent at midnight April 30 of ~~odd-numbered years~~ the last calendar year of the registration period unless terminated or discontinued in accordance with this chapter. After January 1 ~~in odd-numbered years~~, 2007, an unregistered vessel and a

1 renewal of registration may be registered for the ~~two-year~~
2 three-year registration period beginning May 1 of that year.
3 ~~After January 1 in even-numbered years~~ When unregistered
4 vessels are registered after May 1 of the second year of the
5 three-year registration period, such unregistered vessels may
6 be registered for the remainder of the current registration
7 period at ~~fifty~~ sixty-six percent of the appropriate
8 registration fee. When unregistered vessels are registered
9 after May 1 of the third year of the three-year registration
10 period, such unregistered vessels may be registered for the
11 remainder of the current registration period at thirty-three
12 percent of the appropriate registration fee.
13 If a timely application for renewal is made, the applicant
14 shall receive the same registration number allocated to the
15 applicant for the previous registration period. If the
16 application for registration for the ~~biennium~~ three-year
17 registration period is not made before May 1 of ~~each odd-~~
18 ~~numbered~~ the last calendar year of the registration period,
19 the applicant shall be charged a penalty of five dollars.
20 Sec. 7. Section 462A.5, subsection 6, Code 2005, is
21 amended to read as follows:
22 6. The owner of each vessel which has a valid marine
23 document issued by the bureau of customs of the United States
24 government or any federal agency successor thereto shall
25 register it every ~~two~~ three years with the county recorder in
26 the same manner prescribed for undocumented vessels and shall
27 cause the registration validation decal to be placed on the
28 vessel in the manner prescribed by the rules of the
29 commission. When the vessel bears the identification required
30 in the documentation, it is exempt from the placement of the
31 identification numbers as required on undocumented vessels.
32 The fee for such registration is twenty-five dollars plus a
33 writing fee.
34 Sec. 8. Section 462A.12, subsection 6, Code 2005, is
35 amended to read as follows:

6. An owner or operator of a vessel propelled by a motor of more than ten horsepower shall not permit any person under twelve years of age to operate the ~~personal watercraft~~ vessel unless accompanied in or on the same ~~personal watercraft~~ vessel by a responsible person of at least eighteen years of age who is experienced in motorboat operation. ~~Commencing January 1, 2003, a~~ A person who is twelve years of age or older but less than eighteen years of age shall not operate any ~~personal watercraft~~ vessel propelled by a motor of more than ten horsepower unless the person has successfully completed a department-approved watercraft safety course and obtained a watercraft safety certificate or is accompanied in or on the same vessel by a responsible person of at least eighteen years of age who is experienced in motorboat operation. A person required to have a watercraft safety certificate shall carry and shall exhibit or make available the certificate upon request of an officer of the department. A violation of this subsection is a simple misdemeanor as provided in section 462A.13. However, a person charged with violating this subsection shall not be convicted if the person produces in court, within a reasonable time, a department-approved certificate. The cost of a department certificate, or any duplicate, shall not exceed five dollars.

Sec. 9. Section 462A.20, Code 2005, is amended to read as follows:

462A.20 BOAT INSPECTION.

~~Any person having,~~ A vessel either for hire or offered for hire upon any waters of this state under the jurisdiction of the commission~~, any vessel, either for hire or offered for hire, must have such vessel and all its appurtenances annually~~ may be inspected at any time by representatives of the commission or by any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws.

~~Every such owner shall file in the office of the~~

~~commission, an application for inspection of such vessels on a blank furnished by the commission for that purpose.~~

Officers appointed by the commission or any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws shall have the power and authority to determine whether such vessel is safe for the transportation of passengers or cargo and upon what waters it may be used. They may determine and designate the number of passengers or cargo, including crew, that may be carried and determine whether the machinery, equipment and all appurtenances are such as to make ~~said vessels~~ the vessel seaworthy, where used, and such other matters as are pertinent.

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

Private vessels may also be inspected to determine their seaworthiness at any time by representatives of the commission or by any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws.

Sec. 10. Section 462A.23, subsection 1, Code 2005, is amended to read as follows:

1. Any officer appointed by the commission may, for cause, temporarily suspend the registration certificate of any vessel ~~and the license of a pilot or engineer,~~ that has been issued under this chapter, and the commission, after a due hearing on the matter at its next session, shall make final determination in the matter.

Sec. 11. Section 462A.23, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The commission shall forthwith revoke the registration

1 certificate of any vessel and the ~~pilot's or engineer's~~
2 ~~license of the operator of such vessel~~ owner's or operator's
3 privilege to operate a vessel for hire or commercial vessel,
4 upon receiving a record of such owner or operator's conviction
5 of any of the following offenses, when such conviction has
6 become final:
7 Sec. 12. Section 462A.23, subsection 3, Code 2005, is
8 amended to read as follows:
9 3. The commission is hereby authorized to suspend the
10 registration certificate of any vessel and the ~~pilot's or~~
11 ~~engineer's license of an operator~~ owner's or operator's
12 privilege to operate a vessel for hire or commercial vessel
13 upon a showing by its records that the owner or operator:
14 a. Has committed an offense for which mandatory revocation
15 of the registration certificate or ~~pilot's or engineer's~~
16 ~~license~~ of the privilege to operate a vessel for hire or
17 commercial vessel is required upon conviction.
18 b. Is a habitual reckless or negligent operator of a
19 vessel for hire or commercial vessel.
20 c. Is incompetent to operate a vessel for hire or
21 commercial vessel.
22 d. Has permitted an unlawful or fraudulent use of such
23 registration certificate ~~or pilot's or engineer's license~~.
24 Sec. 13. Section 462A.25, Code 2005, is amended by
25 striking the section and inserting in lieu thereof the
26 following:
27 462A.25 PENALTY.
28 If an owner or operator of a vessel for hire or commercial
29 vessel operated upon the waters of this state under the
30 jurisdiction of the commission permits such vessel to be
31 occupied by more passengers and crew than the registration
32 capacity allows or if a person continues to operate a vessel
33 for hire or commercial vessel after the person's privilege to
34 operate the vessel has been revoked, the person shall be
35 guilty of a serious misdemeanor. The provisions of this

1 section shall not apply to vessels registered or numbered by
2 authority of the United States.
3 Sec. 14. Section 462A.39, Code 2005, is amended to read as
4 follows:
5 462A.39 EXPIRATION DATE.
6 Each special certificate issued hereunder shall expire at
7 midnight on April 30 of ~~each odd-numbered~~ the last calendar
8 year of the registration period, and a new special certificate
9 for the ensuing ~~biennium~~ registration period may be obtained
10 upon application to the commission and payment of the fee
11 provided by law.
12 Sec. 15. Section 462A.52, Code 2005, is amended to read as
13 follows:
14 462A.52 FEES REMITTED TO COMMISSION.
15 1. Within ten days after the end of each month, a county
16 recorder shall remit to the commission all fees collected by
17 the recorder during the previous month. Before May 10 ~~in odd-~~
18 ~~numbered years~~ of the registration period beginning May 1 of
19 that year, a county recorder shall remit to the commission all
20 unused license blanks for the previous ~~biennium~~ registration
21 period. All fees collected for the registration of vessels
22 shall be forwarded by the commission to the treasurer of the
23 state, who shall place the money in ~~a special conservation~~ the
24 state fish and game protection fund. The money so collected
25 is appropriated to the commission solely for the
26 administration and enforcement of navigation laws and water
27 safety.
28 2. Notwithstanding subsection 1, any increase in revenues
29 received on or after July 1, 2007, but on or before June 30,
30 2013, pursuant to this section as a result of fee increases
31 pursuant to this Act, shall be used by the commission only for
32 the administration and enforcement of programs to control
33 aquatic invasive species and for the administration and
34 enforcement of navigation laws and water safety upon the
35 inland waters of this state and shall be used in addition to

1 funds already being expended by the commission each year for
2 these purposes. The commission shall not reduce the amount of
3 other funds being expended on an annual basis for these
4 purposes as of the effective date of this Act, during the
5 period of the appropriation provided for in this subsection.
6 3. The commission shall submit a written report to the
7 general assembly by December 31, 2007, and by December 31 of
8 each year thereafter through December 31, 2013, summarizing
9 the activities of the department in administering and
10 enforcing programs to control aquatic invasive species and
11 administering and enforcing navigation laws and water safety
12 upon the inland waters of the state. The report shall include
13 information concerning the amount of revenues collected
14 pursuant to this section as a result of fee increases pursuant
15 to this Act and how the revenues were expended. The report
16 shall also include information concerning the amount and
17 source of all other funds expended by the commission during
18 the year for the purposes of administering and enforcing
19 programs to control aquatic invasive species and administering
20 and enforcing navigation laws and water safety upon the inland
21 waters of the state and how the funds were expended.
22 Sec. 16. Section 462A.53, Code 2005, is amended to read as
23 follows:
24 462A.53 AMOUNT OF WRITING FEES.
25 A writing fee of one dollar and twenty-five cents for each
26 transaction shall be collected by the county recorder. If two
27 or more functions are transacted for the same vessel at one
28 time, the writing fee is limited to one dollar and twenty-
29 five cents.
30 Sec. 17. Section 462A.66, Code 2005, is amended to read as
31 follows:
32 462A.66 INSPECTION AUTHORITY.
33 An officer of the commission or any peace officer who is
34 trained in enforcing, and who in the regular course of duty
35 enforces, boating and navigation laws may stop and inspect a

1 vessel being launched, being operated, or being moored on the
2 waters of this state under the jurisdiction of the commission
3 to determine whether the vessel is properly registered,
4 numbered, and equipped as provided under this chapter and
5 rules of the commission. An officer may board a vessel in the
6 course of an inspection if the operator is unable to supply
7 visual evidence that the vessel is properly registered and
8 equipped as required by this chapter and rules of the
9 commission. The inspection shall not include an inspection of
10 an area that is not essential to determine compliance with the
11 provisions of this chapter and rules of the commission.
12 Sec. 18. Section 462A.77, subsection 1, Code 2005, is
13 amended to read as follows:
14 1. Except as provided in subsection 3, an owner of a
15 vessel seventeen feet or longer in length principally used on
16 the waters of the state and to be numbered pursuant to section
17 462A.4 shall apply to the county recorder of the county in
18 which the owner resides for a certificate of title for the
19 vessel. The requirement of a certificate of title does not
20 apply to canoes, kayaks, or inflatable vessels regardless of
21 length.
22 Sec. 19. Sections 462A.21 and 462A.22, Code 2005, are
23 repealed.
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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 828 - Boat Registration (LSB 1475 HZ.1)
Analyst: Debra Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)
Fiscal Note Version – As Amended by S-3252

Description

House File 828, as amended by S-3252, makes the following changes impacting boat registration fees:

- Increases the biennial registration fee for boats with no motor or sail from $5.00 to a triennial fee of $12.00.
- Creates a triennial $22.50 registration fee for motorboats or sailboats that are less than 16 feet in length.
- Creates a triennial $36.00 registration fee for motorboats or sailboats that are more than 16 feet but less than 26 feet in length.
- Creates a triennial $75.00 registration fee for motorboats or sailboats that are 26 feet or more but less than 40 feet in length.
- Creates a triennial $150.00 registration fee for motorboats or sailboats that are 40 feet in length or longer.
- Creates a triennial $45.00 registration fee for personal watercraft.
- Specifies boats not registered by May 1, are subject to payment of a $5.00 penalty.
- Defines the qualifications of a peace officer and allows a peace officer or representative of the Natural Resource Commission to inspect a commercial vessel for hire at any time.
- Outlines the reasons for suspending a commercial boat registration certificate.
- Specifies any peace officer trained in boating and navigation laws can inspect commercial or private boats.
- Requires boat operators that are between 12 and 17 years of age to complete the Watercraft Safety Course offered by the Department of Natural Resources (DNR).
- Specifies that any operator of a vessel that has ten or more horsepower, and is 12 years of age but less than 18 years of age, cannot operate the vessel unless the operator has either successfully completed the Department's watercraft safety course, or is accompanied by a responsible person 18 years or older that is experienced in motorboat operation.
- Specifies revenue received from the fee increase will be used for administration and enforcement of programs that control aquatic invasive species and enforcement of navigation laws and water safety. The Bill requires the Environmental Protection Commission to submit an annual report summarizing the use of the funds from the fee increase for FY 2007 through FY 2013.
- Increases the county writing fee from $1.00 to $1.25 per transaction, or a person registering three boats would pay $1.25.
- The fee increase is effective January 1, 2007.

Background

There is a separate account in the DNR for Boat Registration Fees. Each year, $1.4 million is transferred from the Boat Registration Fees account to the Fish and Wildlife Trust Fund that is used for navigation law enforcement and boater safety. The last fee increase was in 1984.

Assumptions

1. There are approximately 230,000 boats registered in Iowa.
2. Annual gross receipts from boat registration fee increases are estimated to increase $962,000 for FY 2007 and every year thereafter.

Correctional Impact

The correctional impact of HF 828 is expected to be minimal.

Fiscal Impact

The estimated fiscal impact of HF 828, as amended by S-3252, is an increase in revenue of $962,000 for FY 2007 and every year thereafter in the Boat Registration Fees account. Of that amount, $481,000 will be used for boating enforcement and $481,000 will be used for the prevention of aquatic invasive species through FY 2013. After that time, the increase will be used for boating enforcement activities. The estimated fiscal impact from the county writing fee increase, but changing it from a biennial fee to a triennial fee, is an annual decrease of $13,000 per year.

Source

Department of Natural Resources

/s/ Holly M. Lyons

May 4, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

HOUSE FILE 828

S-3252

1 Amend House File 828, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 20, by striking the word "thirty"
4 and inserting the following: "thirty-six".
5 2. Page 2, line 27, by striking the word "sixty"
6 and inserting the following: "seventy-five".
7 3. Page 2, by striking line 29 and inserting the
8 following: "more, one hundred fifty dollars."

BY COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, CO-CHAIRPERSON
MARK ZIEMAN, CO-CHAIRPERSON

S-3252 FILED MAY 4, 2005

SENATE AMENDMENT TO
HOUSE FILE 828

H-1632

1 Amend House File 828, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 20, by striking the word "thirty"
4 and inserting the following: "thirty-six".
5 2. Page 2, line 27, by striking the word "sixty"
6 and inserting the following: "seventy-five".
7 3. Page 2, by striking line 29 and inserting the
8 following: "more, one hundred fifty dollars."

RECEIVED FROM THE SENATE

H-1632 FILED MAY 5, 2005

HOUSE FILE 828

AN ACT

RELATING TO AQUATIC REGULATIONS AND ACTIVITIES, INCLUDING AQUATIC INVASIVE SPECIES, THE REGULATION AND REGISTRATION OF CERTAIN VESSELS, THE OPERATION OF CERTAIN VESSELS BY MINORS, INSPECTIONS OF CERTAIN VESSELS, THE OPERATION OF VESSELS FOR HIRE OR COMMERCIAL VESSELS, PROVIDING FOR PENALTIES, AND APPROPRIATING THE MONEYS COLLECTED FROM CERTAIN REGISTRATION FEE INCREASES TO THE STATE FISH AND GAME PROTECTION FUND.

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

Section 1. Section 455A.4, subsection 1, paragraph j, Code 2005, is amended by striking the paragraph.

Sec. 2. Section 456A.37, subsection 1, paragraph c, Code 2005, is amended to read as follows:

c. "Aquatic invasive species" means a species that is not native to an ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health including but not limited to habitat alteration and degradation, and loss of biodiversity. For the purposes of this section, "aquatic invasive species" are limited to Eurasian water milfoil, purple loosestrife, and zebra mussels, ~~except as provided in subsection 4~~ and those species identified as "aquatic invasive species" by the commission by rule.

Sec. 3. Section 456A.37, subsection 4, unnumbered paragraph 2, Code 2005, is amended to read as follows:

c. If the commission determines that an additional species should be defined as an "aquatic invasive species", the species ~~may~~ shall be defined by the commission by rule as an "aquatic invasive species" ~~subject to enactment of the definition by the general assembly at the next regular session of the general assembly. Failure of the general assembly to enact the definition pursuant to this paragraph constitutes a nullification of the definition effective upon adjournment of that next regular session of the general assembly.~~

Sec. 4. Section 462A.5, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The owner of each vessel required to be numbered by this state shall register it every ~~two~~ three years with the county recorder of the county in which the owner resides, or, if the owner is a nonresident, the owner shall register it in the county in which such vessel is principally used. The commission shall have supervisory responsibility over the registration of all vessels and shall provide each county recorder with registration forms and certificates and shall allocate identification numbers to each county.

Sec. 5. Section 462A.5, subsection 1, Code 2005, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. A vessel that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

Sec. 6. Section 462A.5, subsection 3, Code 2005, is amended to read as follows:

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

a. For vessels of any length without motor or sail, ~~five~~ twelve dollars.

b. For motorboats or sailboats less than ~~twelve~~ sixteen feet in length, ~~eight~~ twenty-two dollars and fifty cents.

c. For motorboats or sailboats ~~twelve~~ sixteen feet or more, but less than ~~fifteen~~ twenty-six feet in length, ~~ten~~ thirty-six dollars.

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

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

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

e. For motorboats or sailboats forty feet in length or more, one hundred fifty dollars.

f. For all personal watercraft, forty-five dollars.

Every registration certificate and number issued becomes delinquent at midnight April 30 of ~~odd-numbered years~~ the last calendar year of the registration period unless terminated or discontinued in accordance with this chapter. After January 1 ~~in odd-numbered years~~, 2007, an unregistered vessel and a renewal of registration may be registered for the ~~two-year~~ three-year registration period beginning May 1 of that year. ~~After January 1 in even-numbered years~~ When unregistered vessels are registered after May 1 of the second year of the three-year registration period, such unregistered vessels may be registered for the remainder of the current registration period at ~~fifty~~ sixty-six percent of the appropriate registration fee. When unregistered vessels are registered after May 1 of the third year of the three-year registration period, such unregistered vessels may be registered for the remainder of the current registration period at thirty-three percent of the appropriate registration fee.

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~~ three-year registration period is not made before May 1 of ~~each odd-numbered~~ the last calendar year of the registration period, the applicant shall be charged a penalty of five dollars.

Sec. 7. Section 462A.5, subsection 6, Code 2005, is amended to read as follows:

6. The owner of each vessel which has a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto shall register it every ~~two~~ three years with the county recorder in the same manner prescribed for undocumented vessels and shall cause the registration validation decal to be placed on the vessel in the manner prescribed by the rules of the commission. When the vessel bears the identification required in the documentation, it is exempt from the placement of the identification numbers as required on undocumented vessels. The fee for such registration is twenty-five dollars plus a writing fee.

Sec. 8. Section 462A.12, subsection 6, Code 2005, is amended to read as follows:

6. An owner or operator of a vessel propelled by a motor of more than ten horsepower shall not permit any person under twelve years of age to operate the ~~personal watercraft~~ vessel unless accompanied in or on the same ~~personal watercraft~~ vessel by a responsible person of at least eighteen years of age who is experienced in motorboat operation. ~~Commencing January 1, 2003, a~~ A person who is twelve years of age or older but less than eighteen years of age shall not operate any ~~personal watercraft~~ vessel propelled by a motor of more than ten horsepower unless the person has successfully completed a department-approved watercraft safety course and obtained a watercraft safety certificate or is accompanied in or on the same vessel by a responsible person of at least eighteen years of age who is experienced in motorboat operation. A person required to have a watercraft safety certificate shall carry and shall exhibit or make available the certificate upon request of an officer of the department. A violation of this subsection is a simple misdemeanor as provided in section 462A.13. However, a person charged with

violating this subsection shall not be convicted if the person produces in court, within a reasonable time, a department-approved certificate. The cost of a department certificate, or any duplicate, shall not exceed five dollars.

Sec. 9. Section 462A.20, Code 2005, is amended to read as follows:

462A.20 BOAT INSPECTION.

~~Any person having,~~ A vessel either for hire or offered for hire upon any waters of this state under the jurisdiction of the commission~~, any vessel, either for hire or offered for hire, must have such vessel and all its appurtenances annually~~ may be inspected at any time by representatives of the commission or by any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws.

~~Every such owner shall file in the office of the commission, an application for inspection of such vessels on a blank furnished by the commission for that purpose.~~

Officers appointed by the commission or any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws shall have the power and authority to determine whether such vessel is safe for the transportation of passengers or cargo and upon what waters it may be used. They may determine and designate the number of passengers or cargo, including crew, that may be carried and determine whether the machinery, equipment and all appurtenances are such as to make ~~said vessels~~ the vessel seaworthy, where used, and such other matters as are pertinent.

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

Private vessels may also be inspected to determine their seaworthiness at any time by representatives of the commission or by any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws.

Sec. 10. Section 462A.23, subsection 1, Code 2005, is amended to read as follows:

1. Any officer appointed by the commission may, for cause, temporarily suspend the registration certificate of any vessel ~~and the license of a pilot or engineer,~~ that has been issued under this chapter, and the commission, after a due hearing on the matter at its next session, shall make final determination in the matter.

Sec. 11. Section 462A.23, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The commission shall forthwith revoke the registration certificate of any vessel and the ~~pilot's or engineer's license of the operator of such vessel~~ owner's or operator's privilege to operate a vessel for hire or commercial vessel, upon receiving a record of such owner or operator's conviction of any of the following offenses, when such conviction has become final:

Sec. 12. Section 462A.23, subsection 3, Code 2005, is amended to read as follows:

3. The commission is hereby authorized to suspend the registration certificate of any vessel and the ~~pilot's or engineer's license of an operator~~ owner's or operator's privilege to operate a vessel for hire or commercial vessel upon a showing by its records that the owner or operator:

a. Has committed an offense for which mandatory revocation of the registration certificate or ~~pilot's or engineer's license~~ of the privilege to operate a vessel for hire or commercial vessel is required upon conviction.

b. Is a habitual reckless or negligent operator of a vessel for hire or commercial vessel.

c. Is incompetent to operate a vessel for hire or commercial vessel.

d. Has permitted an unlawful or fraudulent use of such registration certificate ~~or pilot's or engineer's license~~.

Sec. 13. Section 462A.25, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

462A.25 PENALTY.

If an owner or operator of a vessel for hire or commercial vessel operated upon the waters of this state under the jurisdiction of the commission permits such vessel to be occupied by more passengers and crew than the registration capacity allows or if a person continues to operate a vessel for hire or commercial vessel after the person's privilege to operate the vessel has been revoked, the person shall be guilty of a serious misdemeanor. The provisions of this section shall not apply to vessels registered or numbered by authority of the United States.

Sec. 14. Section 462A.39, Code 2005, is amended to read as follows:

462A.39 EXPIRATION DATE.

Each special certificate issued hereunder shall expire at midnight on April 30 of ~~each odd-numbered~~ the last calendar year of the registration period, and a new special certificate for the ensuing ~~biennium~~ registration period may be obtained upon application to the commission and payment of the fee provided by law.

Sec. 15. Section 462A.52, Code 2005, is amended to read as follows:

462A.52 FEES REMITTED TO COMMISSION.

1. Within ten days after the end of each month, a county recorder shall remit to the commission all fees collected by the recorder during the previous month. Before May 10 ~~in odd-numbered years~~ of the registration period beginning May 1 of that year, a county recorder shall remit to the commission all

unused license blanks for the previous ~~biennium~~ registration period. All fees collected for the registration of vessels shall be forwarded by the commission to the treasurer of the state, who shall place the money in ~~a special conservation~~ the state fish and game protection fund. The money so collected is appropriated to the commission solely for the administration and enforcement of navigation laws and water safety.

2. Notwithstanding subsection 1, any increase in revenues received on or after July 1, 2007, but on or before June 30, 2013, pursuant to this section as a result of fee increases pursuant to this Act, shall be used by the commission only for the administration and enforcement of programs to control aquatic invasive species and for the administration and enforcement of navigation laws and water safety upon the inland waters of this state and shall be used in addition to funds already being expended by the commission each year for these purposes. The commission shall not reduce the amount of other funds being expended on an annual basis for these purposes as of the effective date of this Act, during the period of the appropriation provided for in this subsection.

3. The commission shall submit a written report to the general assembly by December 31, 2007, and by December 31 of each year thereafter through December 31, 2013, summarizing the activities of the department in administering and enforcing programs to control aquatic invasive species and administering and enforcing navigation laws and water safety upon the inland waters of the state. The report shall include information concerning the amount of revenues collected pursuant to this section as a result of fee increases pursuant to this Act and how the revenues were expended. The report shall also include information concerning the amount and source of all other funds expended by the commission during the year for the purposes of administering and enforcing programs to control aquatic invasive species and administering

and enforcing navigation laws and water safety upon the inland waters of the state and how the funds were expended.

Sec. 16. Section 462A.53, Code 2005, is amended to read as follows:

462A.53 AMOUNT OF WRITING FEES.

A writing fee of one dollar and twenty-five cents for each transaction shall be collected by the county recorder. If two or more functions are transacted for the same vessel at one time, the writing fee is limited to one dollar and twenty-five cents.

Sec. 17. Section 462A.66, Code 2005, is amended to read as follows:

462A.66 INSPECTION AUTHORITY.

An officer of the commission or any peace officer who is trained in enforcing, and who in the regular course of duty enforces, boating and navigation laws may stop and inspect a vessel being launched, being operated, or being moored on the waters of this state under the jurisdiction of the commission to determine whether the vessel is properly registered, numbered, and equipped as provided under this chapter and rules of the commission. An officer may board a vessel in the course of an inspection if the operator is unable to supply visual evidence that the vessel is properly registered and equipped as required by this chapter and rules of the commission. The inspection shall not include an inspection of an area that is not essential to determine compliance with the provisions of this chapter and rules of the commission.

Sec. 18. Section 462A.77, subsection 1, Code 2005, is amended to read as follows:

1. Except as provided in subsection 3, an owner of a vessel seventeen feet or longer in length principally used on the waters of the state and to be numbered pursuant to section 462A.4 shall apply to the county recorder of the county in which the owner resides for a certificate of title for the vessel. The requirement of a certificate of title does not

apply to canoes, kayaks, or inflatable vessels regardless of length.

Sec. 19. Sections 462A.21 and 462A.22, Code 2005, are repealed.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 828, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 5/23, 2005

THOMAS J. VILSACK
Governor

H.F. 828